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The Municipal World

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OF ONTARIO

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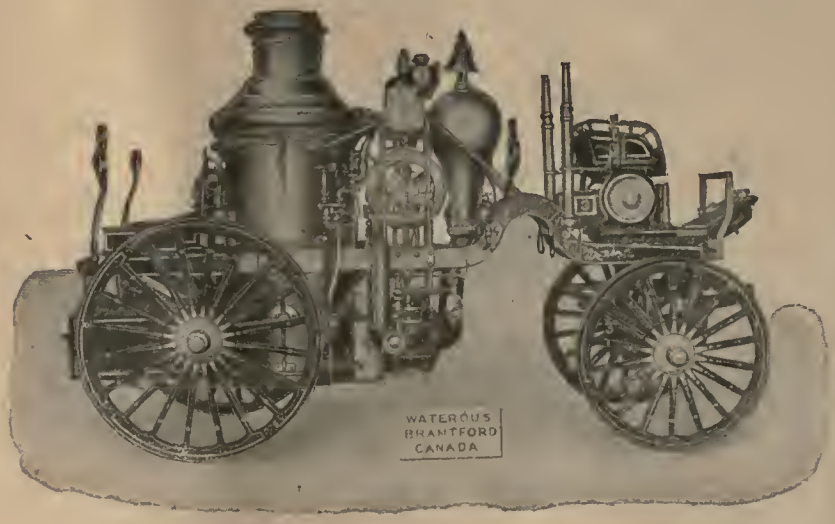

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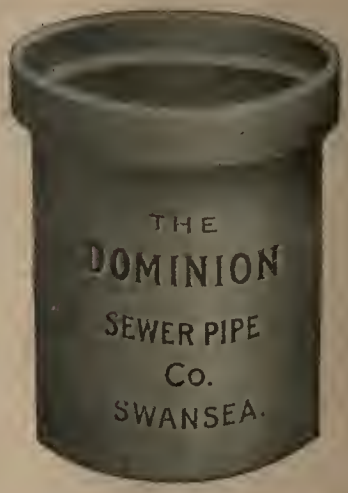

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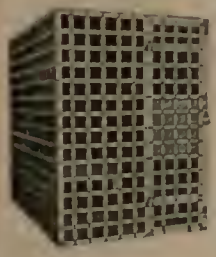

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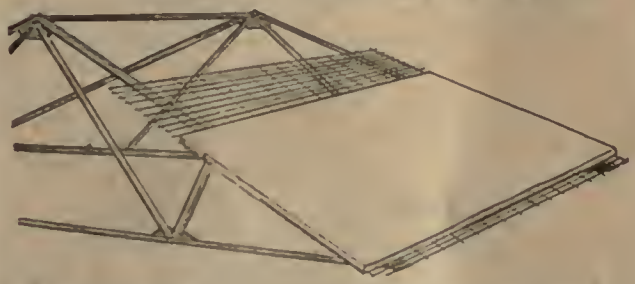

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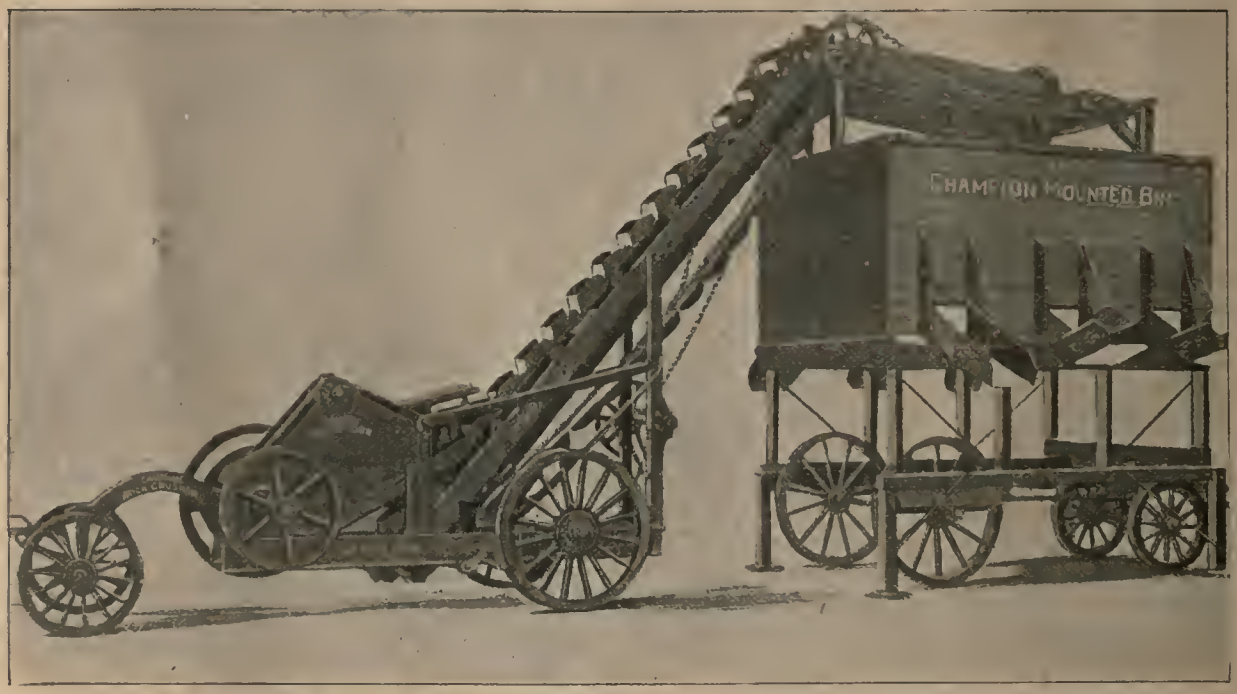

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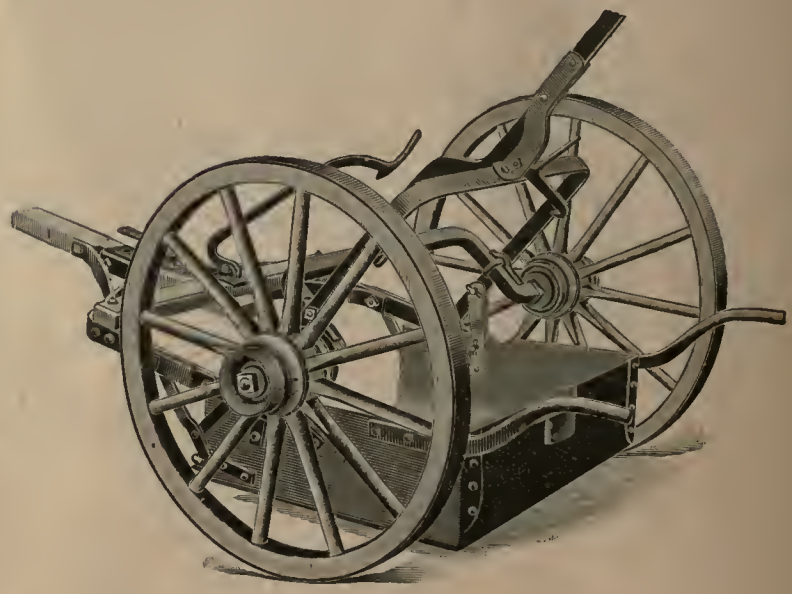

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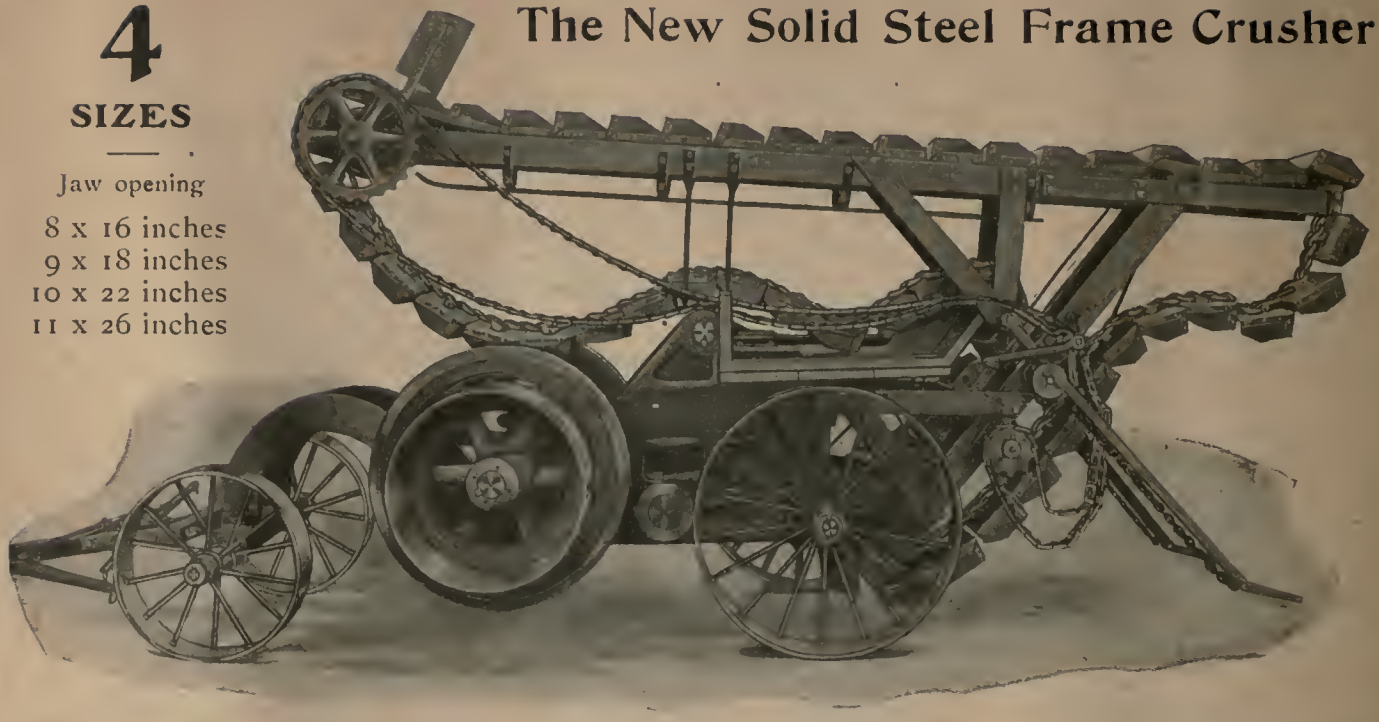

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City of Windsor has used		64,997 Tons

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The Municipal World

PUBLISHED MONTHLY IN THE INTERESTS OF EVERY DEPARTMENT OF THE MUNICIPAL INSTITUTIONS OF ONTARIO.

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CALENDAR FOR JANUARY, 1909

Jan'y 1 New Year's Day.
By-laws for establishing and withdrawal of union municipalities for high school purposes take effect.—High Schools Act, section 8 (1), (2).
By-law establishing township boards takes effect.
3 High Schools open, second term.—High Schools Act, section 45.
Public and Separate Schools open, Public Schools Act, sec. 96—(1 and 2), sec. 60, (3); Separate Schools Act, sec. 31 (3).
4 Election Day.
5 Trustees' report on truancy due.
6 Polling day for trustees in public and separate schools.—Public Schools Act, section 60, (3); Separate Schools Act, section 31, (3).
First meeting of Rural School Trustees.—Public School Act, sec. 17 (1)
7 Treasurer and registrar of deeds, making payments to other municipalities, to send detailed statements to heads of same.—61 V., chapter 23, section 11.
11 Councils of townships, villages, towns and cities to hold their first meeting at eleven o'clock a.m.—Municipal Act, section 259.
Members of library boards to be appointed by councils in cities, towns and villages.— Public Libraries Act, section 9.
13 Clerk of municipality to be notified by separate school supporters of their withdrawal.—Separate Schools Act, section 47 (1).
14 Names and addresses of separate school trustees and teachers to be sent to dep't.
Names and addresses of public school trustees and teachers to be sent to township clerk and inspector.—Public Schools Act, section 19 (3).
Annual report of school boards to Department due.
15 Annual report of separate schools to Dep't due.—S. S. Act, s. 28 (18) s. 33 (9).
Trustees annual report to inspectors due.
Minutes of R. C. S. S. trustees' annual meeting to Department due.
Clerk to make returns to Registrar-General of births, etc., for previous three months.—8 Ed. VII., chap. 28, s. 11 (3).
Application for Legislative appointment for inspection of public schools in cities and towns separated from the county to Department due.
Annual report of kindergarten attendance to Department due.
Last day for poundkeepers to file annual statement with clerk.
Last day for treasurers of municipalities indebted under Municipal Loan Fund Act to make returns of taxable property, debts and liabilities to Provincial Treasurer.
18 Trustees of police village to hold their meeting at noon.—Mun. Act, sec. 737.
By-law withdrawing from union health district takes effect.—R. S. O., chapter 248, section 50.
20 First meeting of public school trustees in cities, towns and incorporated villages. —P. S. Act, section 64 (1).
22 Annual meeting of township agricultural societies, at 1 p.m.
26 County council to hold first meeting, 2 p. m., at Court House or County House.
Appointment of high school trustees by county councils. H. S. Act, section 13.
31 Last day for all councils to make returns to Bureau of Industries of the debts of their corporation.—Consolidated Municipal Act, 1903, section 427.

The Municipal World

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ST. THOMAS, ONTARIO, JANUARY 1, 1909.

Mr. J. W. Kennedy of Wheatley, has been appointed clerk of the Township of Romney to succeed Mr. J. W. Hodgson.

* * *

Miss Mina Dougan who has been treasurer ot the Town of Thorold for the past ten years recently resigned that office.

* * *

The City of Port Arthur has sold $69,000 worth of annual payment debentures to Wood, Gundy and Co. of Toronto at $101.54.

* * *

The Toronto Council decided to have a plebiscite on the question of reverting to the election of school trustees by wards.

* * *

What appears to be a very commendable act of philanthropy was that of Mrs. Gualco, of the township of Kincardine, when she recently presented to the town of Kincardine and surrounding country a brick house, with several acres of ground, for hospital purposes, together with an endowment fund of twenty-five thousand dollars. After a few brief remarks, in which she left the arrangements in the hands of the citizens, hoping for prompt action on their part, she handed the key of the building to the mayor.

* * *

The Ontario Municipal Association is again urging the various municipal councils to join the Association and assist in completing a better organization of municipal interest than at present exists. The advisability of this will at once appeal to many, and it is to be hoped that in the near future the executive of the Association will represent a majority of the municipalities of the Province. A large number of bills are being prepared on behalf of the Association for submission to the Legislature, and municipal councils generally have been requested to petition and exert an influence for the amendment of section 606 so that municipalities will not be liable for damages caused by accidents due to defects in the highway of which the council has not had notice in writing. The Township of Tilbury North is also urging councils to co-operate in this petition. They are interested, owing to decisions of the Courts in favor of persons who met with accidents when travelling on highways covered with water during flood time. This is a manifest injustice and is owing wholly to a matter over which the council has no control.

CIVIL SERVANTS TO APPEAL TO PRIVY COUNCIL

A recent despatch to the *Globe* from St. John N. B. says :" A delegation of civil servants recently interviewed the city Treasury Board and has decided to appeal the case of Abbott v. the city of St. John to the Privy Council to determine whether or not municipalities can tax civil servants on income. The cost of the appeal will be about $4,000, and the Government employees all over Canada will contribute. They asked the city to refrain from issuing executions for two years' taxes now due on incomes here pending the result of the appeal. The board, however, decided to recommend to the Common Council the alternative proposal that if the taxes are paid a refund with 5 per cent interest will be made if the appeal is successful."

AN EFFICIENT ROAD SUPERINTENDENT

Both the principle of placing all work of road construction in charge of a permanent superintendent, and the services of County Engineer R. H Jupp, are endorsed by the following resolution passed by Simcoe County Council at its December session.

"Moved by Mr. J. H. Mitchell, seconded by Mr. " Richard Bell, that this Council appreciates the services " rendered by Engineer R. H. Jupp, as he has faithfully " carried out the work laid down for him by this Council, " and we recognize the wise move of the Government in " insisting upon the appointment of a capable Engineer " on the County Good Roads System, as it has proved " very satisfactory and this Council feel it their duty to " recognize the services of Engineer Jupp by this resolut- " ion.

ONTARIO GOOD ROADS ASSOCIATION

The annual meeting of the Ontario Good Roads Association will as usual be held in Toronto in the early part of the year. The date has not yet been fixed but will be announced shortly. All councils should keep this convention in view and arrange to send delegates. A subject which drew together 2000 representatives in Paris, France, in October of last year, should be of especial interest to the citizens of Ontario where the need of improved roads is so urgently felt.

AUDIT DEPARTMENT FOR CITY

The Board of Control of Toronto has recommended that the City Council apply for legislation to empower, the city to create an audit department and to authorize the city to appoint a chief auditor who will have power to employ such assistants as he may require.

Montreal Gazette : Some time ago a number of Ontario towns and cities were taken with the idea that the system of electing aldermen or councillors to represent the wards was bad, and that better results would be attained if the representatives were elected by the whole of the municipal voters, as in the case of mayors. Hamilton tried and dropped the system, and now Guelph has done likewise. It looks as if the weak councils were the product of weak electorates rather than the fault of any manner of making the choice.

* * *

Mr. Chas. H. Gill, clerk of the Township of Toronto, has the following kind words to say of us : "In renewing the subscription to The Municipal World, I beg to state that it would be hard for us to get along now without it. The correct name for The World would be "The Municipal Solicitor and Adviser," as each issue is brim full of valuable and instructive information relative to municipal affairs."

ONTARIO AGRICULTURAL COLLEGE

The Ontario Agricultural College at Guelph, of which the main building only is shown in the illustration, is producing many important results. Among others, it is solving the question of "how to keep the boys on the farm". The science of agriculture is a subject of the most intense interest, and takes away the dullness attached to the purely "practical" side of farming. The college, in addition to the main building and residence, has numerous other departments. One of these, the Macdonald Institute for teaching domestic science, is doing a similar work for girls. In this agricultural province there is no educational centre of greater importance.

LOCAL OPTION IN PICTON

Mr. Justice Larchford, deeming the case not to be one where it is "just or convenient" that a mandatory order should be made, refused, without order as to costs, the motion made by William J. Carter, of Picton, for a mandamus requiring the defendants, the members of the Municipal Council of Picton, to submit a local option by-law to the electors, pursuant to a petition filed with the Clerk of the municipality on 26th Oct., 1908. The judgment was prepared ready to be handed out on the 4th inst., but was held owing to a similar application made in the Brampton case and the appeal reported. The Judge thinks that the Council acted within their rights in giving careful consideration to the reports of the Town Solicitor, that they have acted to all appearances honestly and in good faith, that no refusal was shown on the part of the Council to comply with the request of the petitioners, and submit the by-law, and he says that the petition does not appear to him to comply with the statute. In this case the headings of all the sheets but the first were cut off before they were joined together to be presented to the Council. The solicitor reported only 198 of 486 names on the petition as corresponding with names on the voters' list of 1,300 names. The Council adjourned its last meeting without the Commiteee of the Whole having reported.

Ten money by-laws were voted on by the ratepayers of Port Arthur last month. Five were carried and five defeated. Those defeated included $100,000 for power development on Current River, and the vote shows that the people consider the Council's program too elaborate, and means that only repair work can now be done this year. Those carried include guaranteeing the bonds of the new railway, marine and general hospital, to the amount of $35,000, and others tor the purchase of electric light and telephone supplies, and one for the purchase of a water lot for a municipal dock.

ONTARIO AGRICULTURAL COLLEGE

MUNICIPAL OWNERSHIP

A news despatch from Orillia brings the interesting information that the council of that town has reduced the rates for electric lighting by almost one-half from what they were under private ownership. Under the old regime the householder had to pay 35 cents per lamp per month. Now it is 18 cents. And with all this reduction a $10,000 surplus is looked for this year, the same as last. This amount was applied to the reduction of the general taxation. That is where municipal ownership counts—when it strikes you where you live. Berlin and other towns are on the right line, though few have been so fortunate as Orillia, to have such a generous slice lopped off the taxes, by the application of profits from the municipal utilities.

AN AUDITOR?

The members of a council are often ignorant of the qualifications an auditor should possess or the time required to complete a report in a thorough manner.

An audit of municipal accounts should be more than a mere comparison of accounts paid with the vouchers produced and the acceptance of the treasurer's entries for receipts. A great deal depends on an auditor's familiarity with the various municipal laws, his knowledge of municipal procedure, and the amount the council pays for the work.

Our attention was last year directed to the affairs of a township in which so-called competent auditors had been employed for years. The principal auditor was the treasurer's bookkeeper. Neither the auditors nor treasurer could prepare a proper statement of assets and liabilities or the annual financial statement required to be filed with the Bureau of Industries, which had been neglected for years. The auditors had no municipal experience and were not familiar with municipal law.

When competent auditors were engaged their report, among other things, referred

I. To orders issued by council that were changed and made payable to bearer and did not show receipt from person in whose favor they were originally passed.

II. That payments to pathmasters for statute labor entered on collector's roll were not verified in any way by the clerk.

III. The assessment roll written out by the clerk for the assessor did not show the total assessed values.

IV. That the collector's return was not made under oath and never in duplicate, as required by sections 113 and 115 of The Assessment Act.

V. That the percentage charged for non-payment of taxes was not authorised by by-law.

VI. That in copying from the assessment roll to the collector's roll a number of omissions and overcharges were made.

VII. That some properties were entered in the wrong school section.

VIII. That verbal requisitions from trustees for school monies caused disputes as to amount that should have been levied.

IX. That union school sections had not been equalized.

X. That in entering ditches and watercourses costs on the collector's roll, the seven per cent. required to be added thereto had been omitted.

XI. That arrears of taxes reported by the county treasurer for collection had not been entered on the collector's roll.

XII. That the assessor's accepted return and the clerk's report on lands had never been properly made.

XIII. That owing to omissions and other irregularities, the arrears of taxes on the books of the county treasurer were not a good asset.

XIV. That tile drain loans had been granted and paid for which the council had not passed by-laws.

XV. That tile drain inspectors' reports were not available.

XVI. That loans were made to school sections on a verbal application—no by-law passed or debentures issued.

XVII. That proper accounts of drainage works were not kept by the treasurer.

XVIII. That the supervision and acceptance of drainage works was delegated to members of the council who never called an engineer to assist them.

XIX. That the council had never determined whether there was a surplus or deficiency in a drain account and that large amounts overpaid were uncollectable.

XX. That a proper drainage rate book was not kept by the clerk, making it difficult to audit these entries on the collector's roll.

XXI. That drainage debentures were issued and sold without the passing of a by-law and in some cases the work was partially completed but no special rates were entered on the collector's roll.

XXII. That D. & W. awards and certificates were not properly filed or entered in book.

XXIII. That the sinking fund account had been neglected and showed a shortage of several thousand dollars.

XXIV. That notes issued by the council ten years previously were outstanding, the treasurer paying interest yearly on presentation.

XXV. That the township banks paid orders issued by reeve and clerk and charged same to treasurer's account, sometimes without receipt.

XXVI. That the road and bridge expenditure accounts were kept the same as when the ward system was in vogue and an effort made to equalize the amount for each.

XXVII. That proper agreements had not been made with police villages when incorporated and that annual settlements of these accounts were a necessity.

XXVIII. That the treasurer's bond was signed by private parties, some of whom were worthless.

XXIX. That the policies for insurance on township halls were not available, although renewals were passed yearly; the clerk was the agent.

XXX. That all proceedings of council and Courts of Revision should be entered in the official minute book and that all by-laws, when passed, be signed and sealed.

The auditors confined their report to a statement of facts. Their recommendations included a reference to what was necessary to remedy the defects in the township's business, system nearly all of which were new to the council and previous auditors.

We are in receipt of a copy of the "Westinghouse" Diary for the current year (1909). It is to be commended for the taste displayed in its compilation and the usefulness of its contents. It contains a great deal of information of interest to engineers and users of power apparatus. The following subjects treated of therein are worthy of special mention:—

High Pressure Steam Turbine
Leblanc Condenser
Low Pressure Steam Turbine
Mechanical Stoker
Mercury Vapor Lamps
Meter Testing
Storage Battery
Single Phase Railway System
Tengsten Lamps
Turbo Pumps and Blowers
Westinghouse Nernst Lamps.

COMMUNICATIONS

Victoria Road, Jan. 1, 1909

To the Editor of The Municipal World:

Sir, Relative to the school law as it now is, it provides for a general school levy of $300 for every rural public school where one teacher is engaged, and $200 for a second teacher, to be levied equally on all the ratepayers of every township, with the object of the wealthy sections helping the weak. Considering that education is compulsory and also the establishment of school sections in every organized township, and without the general school levy the weak sections in sparsely settled portions of a good many townships would have to pay excessively high for education. Now Sir, would it not be an improvement to extend the principle a little further and apply the whole general school levy in each county, to be raised on the same principle as the amount required for county purposes on the equalization figures of the county, which would equalize that portion of the education money, that each ratepayer in the county would pay about the same rate. As it is at present, in this county (Victoria) the six southern townships are all rich and wealthy and the northern five are very poor and sparsely settled, chiefly ranch land, and to make up the amount of the general school levies it takes 7½ to 7¼ mills, while in each of the six southern townships it only takes 2 mills; and there are likely numbers of other counties similarly situated, and even in a county that was all good it would be quite fair. The school inspector or inspectors could notify the county clerk of the total amount required and he could requisition each township clerk, the same as he does for the county money. Would you be kind enough to give this letter space in your valuable paper, and I would be very glad to hear your own or any other comments on it, and oblige, yours. ALFRED TAYLOR,

Clerk of Bixley.

To the Editor of The Municipal World:

I noticed in the November number of THE WORLD a reference to a communication in an esteemed contemporary from a ratepayer in an important municipality, finding fault with the council for paying its clerk $400 when another man will do the work for $225. There is, no doubt, an abundance of evidence to warrant us in saying that $225 would be quite enough for the man who values himself and his services at such a figure; in fact, there is little room to question the value of the service that would be rendered, as the communication would appear to have the consent of the aspirant. How often the fact is not taken into consideration even by men whose duty it is to know, that before a municipal clerk is entitled to be rated as an efficient clerk he should have a fair knowledge of 759 sections of municipal law; a knowledge of The Election Act; a thorough knowledge of The Ontario Drainage Act and The Ditches and Watercourses Act; a knowledge of The Assessment Act; an ability to prepare by-laws for various purposes for which by-laws may be required; a knowledge of, and ability to prepare, contracts, agreements and bonds when needed; an ability to correctly prepare collectors' rolls without making endless trouble for his municipality; an ability to correctly advise his council when advice is needed; an ability to correctly advise ratepayers on the various subjects in which they may be interested; an ability to conduct all correspondence in an efficient and courteous manner; an ability to keep a watchful oversight over the multitudinous affairs of a municipality, that proceedings may properly and safely be carried out. It is certainly inspiring to a competent municipal clerk to see a cheap Jack, whose greatest qualification is a faculty of looking wise, straightening himself up and bawling out "I will do the work for $225." There are scores of good men who are using all the time and ability they possess to serve their municipalities well. We want more good men, but they never will be secured by cutting salaries down and putting the good men in competition with the poor ones. There is no class of men in Ontario who are more useful or more used than municipal clerks. Generally speaking, the municipal council is a secondary matter, as they are in office for a short period and are then expected to move on or out, leaving behind the inevitable result: new men to be instructed in the duties of council work.

ONE WHO HAS BEEN THERE.

POWER OF ARBITRATORS

Mr. Donald Guthrie, K.C., of Guelph, recently gave the council of the County of Wellington an interesting opinion on the power of arbitrators appointed under section 47 of The Public Schools Act, 1901, to award costs of the proceedings before them, and to designate which of the parties concerned in the subject matter of the arbitration should pay the amount of such costs.

The following were the facts of the case:

An award was made by Messrs. Hugh Black, James Laidlaw and Robert Holtom as arbitrators in the matter of school section No. 3, Township of Maryborough. These arbitrators were appointed by by-law 677 of the county council. By their award the arbitrators, amongst other things, awarded and determined that the costs of their award should be defrayed in the first instance by the county council, and they directed that the county treasurer should pay the amount, which is $72, to Mr. Hugh Black, and the award directs that that amount is to be recovered by the county council from the municipality of the Township of Maryborough and the following school sections, namely: Township of Maryborough, $21; school section No. 3, Township of Maryborough, the sum of $10; school section No. 18, of the said township, the sum of $10; school section No. 19, of the said township, the sum of $10; school section No. 3, of the Township of Peel, the sum of $10, and school section No. 16, of the last said township, the sum of $10.

Mr. Guthrie's opinion is as follows:

The question submitted to me for my opinion is whether the arbitrators had power or authority to award the costs in the above mentioned manner.

The Public Schools Act is silent on the subject of costs of an arbitration under its provisions, but I think The Arbitration Act applies to an award such as that above referred to. Under The Arbitration Act, schedule "A," clause (1), the costs of the reference and award are in the discretion of the arbitrators, who may direct to and by whom and in what manner these costs, or any part thereof, shall be paid. I assume that the Township of Maryborough and the several school sections are deemed to be parties interested or concerned in the subject matter of the arbitration, the Township of Maryborough having approved of or supported the application respecting school section No. 3; and assume that the several school sections referred to appeared before the arbitrators and were parties to the arbitration in support of their various interests in connection with the subject matter of the arbitration.

In answer to the question submitted I have to say that, in my opinion, the arbitrators had, under The Arbitration Act, power in their discretion to direct to whom and by whom and in what manner the costs of reference and award, or any part thereof should be paid, and, therefore, to award that the costs should be paid by the different parties concerned and in the proportions set out in their award.

MUNICIPAL CLERKS AND TREASURERS OF OXFORD

SEVENTEENTH ANNUAL MEETING

This Association met at the office of the County Clerk at Woodstock on Thursday, Nov. 19th last. Past President Mr. Richard Seldon in the chair. Owing to the absence of Mr. Fairley, the Secretary, Alex McFarlane was elected Secretary of the meeting. Minutes of the last meeting were read and confirmed. After an appropriate address from the President in opening, in which he stated that he was glad to meet so many of his fellow-workers in the municipal line and was also sorry that death had in the past year removed from our ranks two valued members, Mr. Samuel Gregg, Treasurer of Dereham, and Mr. R. J. Henderson, Clerk of Blandford, he read a letter he had received from our valued Secretary, Mr. Fairley, who had filled the position so well for a great number of years, expressing his hope that the meeting would be one of profit to all and that owing to his business connection he could not be present, and wished for his successor the good will and assistance given him by the members in the past and hoped to be able to attend future meetings. The President then stated that the Programme Committee had secured the promise of papers or talks from some of the members but that they would prefer to wait till the afternoon session and proposed that the balance of the morning session be made an imformal meeting, which was acceptable. He then asked what should be done by the Clerk where in the Voters List mistakes had been made by the printers in regard to wrong spelling of names. After a discussion it was decided that the Clerk could do nothing but accept them and that the Act made provisions for cases of that kind, wherein the judge could correct anything of that nature on an appeal. Mr. Mayberry suggested that a committee be appointed to draft a resolution of condolence for the families of the late Mr. Gregg and Mr. R. J. Henderson, and on motion the President, Mr. Jackson and the Secretary were appointed such committee to report at the afternoon session. Messrs. Hopkins the newly appointed Treasurer for Dereham. Jenvy, the newly appointed clerk and treasurer for West Oxford and Henderson, who was appointed to succeed his father a clerk of Blandford, were introduced and given a warm welcome by the president and the members.

Mr. Law, treasurer of Tillsonburg, who is interested in securing a charter for Radial railways in the Counties of Norfolk, Elgin and Oxford, took this opportunity to explain to the clerks the nature of a circular letter he had sent out to the different municipalities asking the municipal councils to pass a resolution asking the Legislature to grant the charter wanted and stated that the municipalities were not binding themselves in any way by so doing.

Mr. E. L. Sutherland was called upon during the afternoon session for his reason for not calling the meeting earlier in the season as per resolution passed at the last meeting and he said that it was not possible to have it earlier owing to so many other things intervening which attracted the attention of the members and that the president, he supposed, had followed the usual course and called the meeting at the most advantageous time. Mr. Lawrence was asked to give his paper, but as he had been unable to prepare one he made a few remarks on municipal work generally and gave a good many useful hints to the members pertaining to their duties as clerks and treasurers. Mr. Smith, of Ingersoll, gave a talk on The Vital Statistics Act. His first thought was that it entailed a lot more work on the clerks and that it would be a little harder to get the returns in as asked for. The father was the proper person to register a birth, and where a death occurred in another municipality the nearest registrar is to register the same, and give a burial permit and send in the same to the proper parties and receive a fee of twenty five cents from the party making the registration. Mr. Carlyle, Inspector of Public Schools was present by request and explained different parts of The Schools Act relating to the duties of clerks and treasurers. Mr. Mayberry discussed the Statute amendments and was followed by a general discussion. Mr. Birtch, county clerk made a few general remarks. The officers were elected for 1909, as follows: G. B. Anderson, President; Chas. E. Burgess, Vice-President; Alex McFarlane, Secretary.

On motion a vote of thanks was tendered Mr. Fairley for his able services during the past fourteen years and a copy was ordered to be sent to Mr. Fairley.

The committee appointed to draft letters of condolence in the forenoon made report as follows:

Woodstock, Nov. 19th, 1908.

To Mrs. Samuel Gregg and daughter,
Ingersoll.

DEAR FRIENDS,

We, The Municipal Clerks and Treasurers Association, of the County of Oxford, assembled in annual session at the County Clerk's office at Woodstock, wish to express to you our feelings of sincere regret at the death of the late Samuel Gregg. We found in Mr. Gregg a true friend and courteous official, one who was always ready to assist in counsel and reccommendations in the work of this association. His opinions were always regarded with due respect and helpfulness, and we shall sincerely miss the genial countenance and the hearty hand shake at our annual meetings. May you receive the consolation of Him who knoweth our sorrows in this your sore bereavement.

SIGNED ON BEHALF OF THE ASSOCIATION.

Woodstock, Nov. 19th, 1908.

To Mrs. R. J. Henderson and family,
Bright.

DEAR FRIENDS,

We, the Municipal Clerks and Treasurers Association of the County of Oxford, this day assembled in annual session, desire to take this opportunity of expressing to you our heartfelt regret at the death of the late Mr. Henderson. He was regarded as one of the best informed of the members of this association and he was willingly given a forward place in the discussion of matters relative to Clerks' and Treasurers' work. We shall certainly miss him in our annual meetings, but we are pleased to note that he is succeeded by his son, thus establishing a bond of continuity in the office which the late Mr. Henderson filled for so long a time with so much proficiency. Wishing you the comfort of Him who is able to appreciate and console you in your sad bereavement.

SIGNED ON BEHALF OF THE ASSOCIATION.

On motion the report was adopted and ordered to be signed by the President and Secretary and a copy forwarded to the respective families.

Mr. Allen urged the municipalities to send up representatives to the meetings of the Ontario Municipal Association, which could only result in good to all taking part. After a vote of thanks to the retiring president, the meeting adjourned.

DEPENDABLY UNRELIABLE

"Yez know Casey, the contractor?"

"Oi do."

"Is he what ye'd call reliable?"

"He is the most reliable man Oi ever knew. Whinever he tells yez anything, ye can depind on its not being so."—*Tit-Bits.*

Engineering Department

A. W. CAMPBELL, O. L. S., C. E., M. C. S. C. E.

MUNICIPAL IMPROVEMENTS IN 1908.

The year 1908 has not been prolific in municipal improvements in the towns and cities of Ontario owing to the financial depression, curtailment of expenditure throughout all lines of construction, has been the rule. The disposition of banks has also been to discourage loans for municipal work. Among the works carried out may, however, be mentioned the following:—

The completion of the new waterworks tunnel nearly one mile in length under Toronto Bay; An asphalt paving plant costing $16,000 in Ottawa; a system of sewage disposal with contact beds at East Toronto; a septic tank system of sewage disposal in Brampton; an asphalt block pavement, and an improved system of waterworks in Guelph; about 30,000 square yards of macadam roadway was laid in Kingston at a cost of $9,000; macadam roadways were extended and improved in Ingersoll, Norwich and Tilsonburg, a system of waterworks in Thorold.

WORKING ON AN OXFORD COUNTY ROAD

St. Catherines.

The work undertaken has been chiefly street paving, the total cost of which amounted to $49,700, representing a yardage of approximately 17,000 square yards, but only two classess of pavement have been laid this year, viz. Asphalt Block, 15,100 square yards, and a small piece of macadam, 1,900 square yards.

The prices for Asphalt Block pavement on a 5-inch concrete foundation, varied from $2.60 to $2.65 per square yard, grading included, and macadam at $1.35 per square yard. Another contract has been let for 5,900 square yards Asphalt Block at $2.65, the work to be commenced next spring.

During the past three years this City has laid approximately 50,546 square yards of pavement, made up as follows:—

Asphalt Block	27,297	square yards
Vitrified Brick	16,602	" "
Bitulithic	4,700	" "
Macadam	1,947	" "
	50,546	" "

Another contract for 2,500 square yards is under way, —the work to be finished next spring.

Very little sewerage work was carried out last year—the total number of feet laid being 900 feet of 12 in. pipe.

Southampton

The Council has completed 1,400 feet, 5 foot wide granolithic sidewalk pavement. They began an extensive

addition to the water "Supply" by obtaining 100 feet of perforated pipe, which may be continued along the lake shore to any required extent, and keep the reservoir supplied with filtered water. 2,100 feet new main pipes are ordered, ready for necessary extension of the system. Several lights have been installed where necessary in the town, and the lake shore, "Crescent" has been thoroughly lighted by twenty lamps, which are used during the summer at an annual cost of $3.00 per light. These are very beautiful and are a great attraction.

Woodstock

The Board of Works has let the contract for completing the last of the relief or storm overflow sewers which have cost altogether about $25,000. A tar macadam pavement was laid on part of Finkle Street, and sewers and sidewalks on other streets, at a cost of about $6,000, and about the usual amount was spent on improvemnt and repair of the streets. The city, as far as the main residential portion is concerned, is now covered with cement sidewalks and sewers. The waterworks system covers the whole city.

Niagara Falls

During the year 1908, 2936 feet of sewer, and 61,548 feet of concrete walk have been laid. The Council provided by debentures $31,000 for the Public School Board, to be expended in building two new school houses, to meet the demands of the growing population. These will be ready for occupation on the 1st of January. $3,000 was also provided the Collegiate Institute Board for repairs, converting the Assembly Hall into Class Rooms. In January a by-law was passed to raise $15,800 for the improvement and extension of the waterworks plant, viz: Putting the high levels of the city on an independent system and providing an auxiliary system consisting of an electrically driven turbine pump of three million gallons capacity for use in case of stoppage of the water power system by ice or other causes. The independent system to the high level of the city is now completed, having an independent 12 in. rising main, and one pump rebuilt and its parts stengthened equal to the increased pressure required. The contract for the turbine pump and motor was given to the Canadian Westinghouse Company in connection with the Buffalo Pump Company, and is now nearly ready for installation. This will provide a certain means of supplying the City with water during periods in the winter when ice is running down the river in such quantities that it is with great difficulty the water power system can be operated, and has at times caused an entire stoppage for several days. Electric current equal to 150 H.P. to drive the electric system will be supplied from the City Power Plant. There are now, therefore, two independent 12 in. mains, which by means of by-passes can be combined or transposed, and a combined pumping capacity of six million gallons, which can be turned in the mains at a moment's notice, if required in case of fire.

Dundas

A new fire alarm system to replace the old one, Cost, $2,100. A new concrete bridge on McMurray Street, cost $4,200. About 32,000 feet of cement walk, was laid, broken stone being used instead of gravel for the first time, with apparently very satisfactory results; cost, 11c. per foot. Extension of waterwworks mains cost about $3,000. A new High School building is in course of erectiou; contract price $20,000; material, red brick. New Public Library building arranged for, and work will likely commence in a few days; cost $10,000; material, white brick.

Galt

While the season has been a fairly busy one on cement sidewalks and sewers, comparatively little has been done in the way of building peemanent roadways. Among the improvements carried to completion are,—two miles of cement conncrete sidewalks laid at an average cost of $o.14571 per square foot. These sidewalks were nearly all petitioned for under The Local Improvement Act, and are to be paid for in twenty equal annual instalments by the property fronting or abutting thereon. About one mile of sewers was constructed, and which are paid for by the property owners on the basis of five cents per foot frontage per annum for 40 years, the balance of cost being assumed by the Town, special legislation having been obtained permitting of this manner of payment. $1,481 is being spent this fall in macadamizing a road leading to a township road, cement gutters also being included. The Bell Telephone Company are engaged at present removing their poles and wires from the business portion of the town and putting the wires underground. The town authorities are negotiating with the Great North Western Telegraph Company to have the poles and wires of that Company removed from Main Street and placed in an alley-way in the rear. If this were done, and the prospects are that it will, a very great improvement will be effected, clearing all the North side of poles and wires, leaving only the electric light poles and wires on the South side.

Milton

The town of Milton has during the current year made some advance. The P. L. Robertson Screw Factory, Limited, has erected two brick buildings and is now making screws and putting out other work. The C. R. Willmot Manufacturing Company, Limited, has purchased several acres in close proximity to the C. P. R. Station, and purposes building extensively in the early spring. Each of these companies has decided to do business in premises capable of putting forth a very large amount of goods, buildings and plant to be worth $50,000 and $80,000 respectively. Water mains have been extended and strenuous efforts are being put forth to secure a greater supply of water to meet the pressing demand of a growing town. Cement walks have been laid during the summer, and preparations have been made to complete the walks along Main Street over some difficult places. The Council owns a stone crusher, and has abundance of good limestone within 1¾ miles of the town. The Council has been improving the Main Street by putting on a coat of broken stone on part of it.

Mount Forest

The county has erected a fine steel bridge over the river on Market Street, and the town has completed two small truss bridges on Queen Street, and improved the streets entering the town considerably, with gravel. The town is submitting a by-law with a view to a Carnegie Library.

Simcoe

A waterworks system was completed, issuing debentures for $70,000, and an additional $5,000 was voted at the municipal election. Granolithic walks, costing $4,800 were laid. A No. 1 Seagreave Hose wagon was purchased at a cost of $550, and a smaller one for $100. The new Government Post Office to cost $35,000 is well under way and will be completed by spring.

Gravenhurst

Cement walks were built across one block. In 1907 a hydro-electric power plant was installed at South Falls, about seven miles from the town, and is a very efficient plant, developing about 700 h.p. and costing nearly $55,000. The town is at present using about 400 h.p. and has the balance to dispose of. A by-law was carried two years ago to spend $48,000 on waterworks, but

nothing has been done further, as it was desired to instal the power plant first.

Cobourg

The town laid cement pavements this year costing $500; sewers, $500, road machinery (new grader), $200; extension of waterworks to the House of Refuge, just finished, $5,000; also a proposed extension of sewer and waterworks on Ontario Street to new steel plant.

Walkerville

A concrete pavement was laid on Assumption Street from Argyle Road to Sinclair Road at a cost of $6,000; and also a small lateral sewer on Victoria Avenue at a cost of $1,000.

Strathroy

Some twelve granolithic sidewalks and twenty-two crossings of the same material,—about a mile in all,—have been laid at a cost of $3,500; also considerable grading and filling for more walks next year, and iron railings were erected where required. Eleven cars of gravel have been used in repairing the streets.

Paris

A "Monarch" steam road roller was purchased and a new central Public School was built at a cost of $55,000.

Orangeville

The only works completed this year are the construction of cement concrete sidewalks to the extent of about $10,000.

Cornwall

Has built this year 7190 lineal feet of granolithic walks, and 3650 lineal feet of tile pipe sewer. Of this latter, 1716 feet were 15-inch tile.

The County of Prince Edward has followed exceedingly businesslike methods in carrying out the construction of its system of county roads established in 1907. The first step was to secure an experienced county road superintendent. Under his direction there has been constructed during the past season, 19½ miles of broken stone road, at a cost of less than $1,300 per mile,—a very moderate outlay in comparison with the class of work performed.

COLORED CONCRETE

A blue concrete is produced by adding from five to six pounds of ultramarine to every 100 pounds of cement used in the concrete. Concrete is colored red by mixing six to ten pounds of raw iron oxide with 100 pounds of cement. White concrete is made by using white cement and white sand.

Ornamental lamp posts made of concrete are to be used in Lincoln Park, Chicago.

The real roadway should be below the surface. The gravel or stone with which the road is coated is merely the skin to preserve the real roadway, the foundation. The importance of a well drained foundation cannot be overestimated.

CRUSHED STONE NEAR STATIONS

Gravel, unless of an exceptionally good quality or unless carefully treated by crushing, screening, etc., is not to be compared in wearing qualities to good crushed stone, especially for heavy traffic. Gravel of a reasonable quality is very suitable for light country traffic, and there are many cases in which it can be used profitably. It happens, however, that the heaviest traffic usually converges on the roads leading into market towns, and close to a railway station. This circumstance renders it entirely practicable for municipalities to ship in, by rail, crushed stone for use on roads of heavy traffic, near the towns where the cost of teaming will be comparatively small. The cost of teaming crushed stone is the chief factor which makes a road expensive or cheap. If there is a local supply of gravel close to the work, it can be used to good effect on the outlying roads where traffic is not so heavy. To use crushed stone close to railway stations, and gravel on the more distant roads, is a method of road improvement exceedingly suitable to many township and county municipalities.

HUMAN NATURE AND ROADMAKING

In carrying out works of road improvement every council desires to impress the ratepayers favorably. In doing this there are certain facts to remember. Councillors too often think that the man who does the most and the loudest talking on market day is expressing public opinion. Public opinion is expressed on voting day by the reasonable ratepayer who does more quiet thinking

AN ATTRACTIVE ROAD IN HASTINGS COUNTY

than loud talking. In road improvement satisfy the reasonable citizen, for he is the majority.

The people of Ontario want good roads and will be found willing to pay what they reasonably cost.

The ratepayers are not opposed to good work at even a considerable cost; but they do fear and condemn the mis-spending of money on temporary and inefficient work such as they have been so largely accustomed to. It is from the latter source that opposition to "good roads", most frequently arises.

Councillors should not neglect to take up works of substantial road improvement through fear of making mistakes. The man who never makes a mistake makes the greater mistake of weakly doing nothing at all.

Rarely is a road built without some mistake being made. A man can always improve on what he has done. The ratepayers will overlook a few honest mistakes if the final balance of results is on the right side. Keep an experienced road superintendent in the employ of the council. He does not make the same mistake twice.

Give the people some samples of first-class roads, and they will not afterwards accept inferior work. The cost

is not prohibitive in any part of Ontario. Ratepayers will be generous in providing the cost of good roads if they get value for their money.

The ratepayers quickly forget the cost of a good road if the work itself demands praise. But inferior work is always before them and they can't forget it—the more poor work, the more there is to criticize. One mile of thoroughly good road is better than half a dozen miles of tinkering.

When building a good road, do not for a little economy neglect to finish it. Ratepayers see the surface only. Leave the sides of the road trim in appearance. Rolling adds greatly to the durability of a road. Ratepayers, instead of laboring through loose metal have at once a smooth, hard surface to drive on. The pleasing appearance is also largely in its favor. Let the public criticize a litte extra cost, but do not leave ground for criticism of the work.

Permanent bridges are necessary, but their value is not appreciated by the public in proportion to their cost, so much as are good roads. The public can drive for ten minutes along a mile or more of good road for the cost of a fifty foot bridge that is crossed in ten seconds.

Short concrete bridges and arches should have railings of strong and pleasing appearance, for that is all the public see. For the same reason, exposed work on all bridges should be well finished, otherwise the ratepayers cannot see where the money has been spent to advantage.

Consider the good opinion of the public so far only as durability of the work will permit. For instance, do not make a new road too flat because the ratepayers object to a proper crown. A new road must always be made too high at first, otherwise it will soon get too flat. A road never gets higher after it is built. All the forces of gravity and wear tend the other way

SOME JAPANESE BRIDGES

In the Japanese Alps, a type of suspension bridge is commonly used, which through primitive, is efficient in carrying the foot traffic of the mountains. It consists of fifteen to twenty strands of galvanized telegraph wire, about 3-16 in. in diameter, stretched taut across the river, and evenly spaced over a width of about 6 ft., the ends passing around cylindrical hardwood logs, which are held to the anchorage by loops of cable near each end. These logs are provided with four 2-in. holes near the ends, in which capstan bars can be inserted for turning the logs and taking up the slack in the wires.

The floor system consists of slats of wood about ¾ x 3 in., laid across the wires and tied to them. These slats are spaced 2 to 4 ft. apart, and extend the full width of the bridge. On top of the slats in the center is the walk proper, consisting of a single board 8 in. wide and about ¾ in. thick, which reduces the crossing to an acrobatic feat, requiring no little nerve to accomplish. To give a little moral support a " hand-rail " of two wires twisted together is hung across, about 18 to 24 in. above the floor, which one may grasp by stooping. It is wired at intervals to the main floor below it.

The bridges sway and spring a great deal, as might be expected, but the coolies cross them on a quick trot with perfect confidence and unconcern. The bridges are frequently deranged or destroyed by high winds, which accounts for the small amount of wood which is used in the floor, so as to offer as little surface to the wires as possible. A bridge of this class over the Oigawa River has a span of 630 feet ; another over the Oigawa River, of 500 feet span, cost about $80.

HEAVIER BRIDGES ARE NEEDED

Bridge building of today should provide for a considerable increase of loading. The present demand is for more powerful traction engines, and motor traffic of this description is but in its infancy. A 12-h.p. traction engine, with a maximum load of 5000 pounds on any wheel was the greatest load to which, 10 years ago, a highway bridge would be subjected. To-day traction engines of 32-h.p. are used with a load of 11,000 pounds on each rear wheel ; and in addition it hauls a wheel load of from 3 to 5 tons. While the future may not witness a proportionate increase, yet the end is not yet. In England motor tracks are built to carry loads of as much as 40 tons.

The best sand for use in concrete is well graded, clean hard and sharp. Gravel should be of a similar character.

Granitoid work finds its uses in floors and base-boards. It is made by mixing small particles of granite, marble or other hard stone with a paste of Portland cement, sand and water. This is ordinarily spread on a layer of cinders and rubbed down to an even surface with some heavy stone, like limestone, set in a handle. Considerable pressure is used in securing a finish.

COST KEEPING

Every road superintendent should keep an itemized record of workmen's time and of work performed from day to day, and of the cost of all separate jobs, in order that he may be in a position to give a correct estimate of the cost of proprosed work. A thorough understanding of cost is the basis upon which improvements in methods can be made, and will in many cases help to decide the best means of doing suggested work. It will give ideas as to how the work in general may be cheapened or improved. A thorough understanding of costs lies at the basis of economy and efficiency in every line of construction.

SOME TRANSPORTATION COSTS

The United States Department of agriculture has estimated the cost of hauling over inferior roads at 25 cents per ton mile. On good roads, it is estimated that the cost is reduced to one-third, or even one-fourth of this amount.

The existing railway rate on grain from Buffalo to New York, is eleven cents per one hundred pounds, and from Buffalo to Boston, thirteen cents per one hundred pounds.

Lake rates from Duluth to Buffalo in 1904 were as follows:—

Wheat	$0.01⅛ to .02¾	bush.
Flour	.13	bbl.
Manufactured Iron	2.00	per ton
Lumber	2.55	per M.
Coal	.40	per ton.

In 1902, average rates from Chicago in cents per one hundred pounds, to certain British ports were as follows:

Liverpool	Grain	20.85
	Sacked Flour	23.5
Glasgow	Grain	21.75
	Sacked Flour	22.75
London	Grain	21.75
	Sacked Flour	24

The Winnipeg Electric Railway has offered to supply the city with 5,000 horse-power at $18.40 per horse-power for the first year and at the same rate for 10,000 horse-power for the second and third years.

QUESTION DRAWER

Subscribers are entitled to answers to all Questions submitted if they pertain to Municipal Matters. It is requested that all facts and circumstances of each case submitted for an opinion should be stated as clearly and explicitly as possible. Unless this request is complied with it is impossible to give adequate advice.

Questions, to insure insertion in the following issue of paper, should be received at office of publication on or before the 20th of the month.

Communications requiring immediate attention will be answered free by post, on receipt of a stamped-addressed envelope. All Questions will be published unless One Dollar is enclosed with request for private reply.

Husband of Married Woman Need not Join in Deed.

1—I.J.—In the case of a married woman selling real estate, is it necessary for her husband to sign the deed renouncing his rights in her property, just in the same way as a wife bars her dower when her husband makes a sale of real estate belonging to him?

No.

Method of Settling Drainage Difficulty.

2—G.F. A has outlet for himself of 5-inch tile. He gave B privilege ten years ago across A's land about eight rods with a 4-inch tile and tap A's five. B put a branch of 2½-inch tile two rods north for A's use tapping the five. There was no written agreement. A has found since that it is a damage to him as he has not outlet sufficient for both. Can A take B's tile out, or what steps has A to take to get rid of B's drain?

This is a case where some owner interested in the construction of the drain should institute proceedings under The Ditches and Watercourses Act (R.S.O. 1897, chap. 285), as this is the only way the rights and liabilities of all owners interested can be satisfactorily and permanently ascertained and adjusted.

Extent of Pathmaster's Duties.

3—G.H.—Does a pathmaster's duty end when he returns his roll or does he continue in office until his successor is appointed, and if so, where does his authority come from?

When a pathmaster attends to the performance of the statute labor on his list and filled it in and returned it to the clerk, as required by the statute, his duties are at an end unless some other duty or duties is or are imposed on him by by-law or other authority of the council. We may say, however, that he continues in office as pathmaster until the end of the term for which he is appointed.

Power to Dispose of Public Utility—Preparation of By-Law Voters' List Ascertaining Proportionate Vote.

4 W.H.H.—1. Our municipality owns an electric light and waterworks system and has under consideration a proposition from a private party to purchase our system. Have the municipal council power to sell or lease the system? If so, what section of The Municipal Act or other statutes govern the case?

2. Kindly advise on the following matters in regard to bonus by-laws:

The clerk is directed to prepare a voters' list under section 348 from the last revised assessment roll, for use on bonus by-law elections. Section 353, however, provides that only those parties can vote who are rated on the assessment roll and named in the voters' list. Kindly advise in your opinion if the voters' list referred to in section 353 is the voters' list prepared by the clerk as directed in section 348, or whether the voters' list in section 353 is the last revised voters list as passed on by the County Judge.

3. Under sections 364 and 365a the clerk is directed to prepare a certificate showing the requisite majority of the ratepayers entitled to vote for the bonus by-law. In reckoning the total number of voters entitled to vote, is the clerk entitled to leave off from the total the name of any parties who have died since the assessment was revised, or who have moved away or become otherwise disentitled?

1. We are of opinion that the municipality has no authority to lease or sell its electric light or waterworks system.

2. The voters' list referred to in section 353 is the voters' list used at the voting on the by-law, prepared under the authority of section 348 of the Act. No reference whatsoever should be made to the ordinary voters' list.

3. In arriving at the proportionate number of voters who have voted on a by-law, the names of deceased persons, or of those who have disposed of their property and moved away, or who have otherwise become disentitled to vote, should not be taken into consideration.

(Municipal Officers of Ontario)

R. H. FORTUNE

CLERK OF THE TOWNSHIP OF NORMANBY, IN THE COUNTY OF GREY

Appointed clerk May 26th, 1903; born at Vesta, in Bruce county, in the year 1867; graduated at the Canada Business College, Hamilton 1888; Ontario Veterinary College, Toronto, 1902. Post graduate of the Chicago Veterinary College, 1907. Mr. Fortune is manager of the Germania Farmers' Mutual Fire Insurance Co., Ayton, Ont.; Sec.-Treasurer of the Ayton Creamery Co., Limited; Sec.-Treasurer Normanby Agricultural Society; Sec.-Treasurer Ayton Public Library; Sec.-Treasurer of the Ayton School Board; Auditor of the County of Grey for two years; appointed Inspector of Contagious Diseases under The Inspector's Act, 1907; appointed J.P. in 1903 and appointed a Notary Public in 1905 for the Province of Ontario. In addition to enjoying a good conveyancing business, he owns and handles some of the best horses in the Province.

Petition not Necessary Preliminary to Passing Local Option By-Law.

5—F.R.C.—Is it in the power of a council to grant a petition for taking of a local option vote, provided the petition was not placed in the council's hands until the first of December, and if granted and carried, could it not be easily attacked and set aside?

The filing of the petition referred to in sub-section 3 of section 141 of The Liquor License Act (R. S. O. 1897, chap. 245), as enacted by section 24 of chapter 47 of The Ontario Statutes, 1906, and as amended by section 11 of chapter 46 of The Ontario Statutes, 1907, within the time in this sub-section mentioned, is not a necessary preliminary to the submission of a local option by-law to the electors of a municipality. It is optional with the council whether it submits such a by-law or not, even if no petition is filed. If, however, a petition sufficiently signed is filed with the clerk on or before the 1st day of November, the council has no alternative other than to submit the by-law to the electors as prayed. The sole object of the filing of the petition is to force the hands of an unwilling council. Therefore, if the council decides to submit a by-law of this kind to the electors, the mere fact that no petition for its submission was filed, or, if filed, that the petition was not sufficiently signed, or not filed in time, will not be a ground for attacking the validity of the by-law.

Place for Holding Nomination Meeting.

6—W.W.—Is it lawful to hold nomination meeting in a village out of the township? The council hold all their meetings in said village, although not in the township.

If the territory of the township adjoins the limits of the village, and the council has passed a by-law under the authority of section 123 of The Consolidated Municipal Act, 1903, the township nomination meeting may be legally held in the village. Section 266 of the above Act, as enacted by section 13 of The Municipal Amendment Act, 1906, provides that "the council of any township may hold its sittings, keep its public offices, and transact all the business of the council and of its officers and servants within any city, town or village lying in such township or in a township adjacent thereto, but within the same county, etc."

Qualification for Councillor—Duty of Engineer.

7—G.A.R.—1. Can a man who has taken a road job from the council on township roads in 1908, qualify for councillor in 1909?

2. Can a county road engineer, in ditching a hill, run the water in a lot adjoining instead of running to the bottom of the hill where there is a ditch?

1. If this ratepayer is possessed of the qualification prescribed by The Consolidated Municipal Act, 1903, has completed his work to the satisfaction of the council, received his pay for it, and all matters of account between him and the council have been finally adjusted and settled prior to nomination day (28th December) he is eligible as a candidate for the office of councillor for 1909.

2. This is a matter that must be left mainly to the judgment of the engineer in charge of the work, who must be assumed to have a knowledge of his business. He should, however, carry all drains to a sufficient outlet and see that water is not deposited on the lands of private owners, to their injury. If in doing his work he has conducted water to private lands and thereby occasioned injury to the owner, the municipality which employed him would likely be held responsible in damages.

Status of Railway—Procedure to Obtain Crossing.

8—F. McC.—The main line of the Canadian Pacific Railway runs through the Township of W., crossing the roads. About five years ago the Provincial Government expended $300 on proof line between the 15th and 13th line. Three years ago the sum of two hundred dollars was expended south of the 13th line and during the summer of 1907 the sum of two hundred dollars was expended south of railroad crossing. All the above were grants from the Legislature. The Company refuses to give a crossing where the proof line crosses their line. After notice from the municipal clerk they answer "it will be necessary for the municipality to proceed as outlined in The Railway Act."

1. Is it the Provincial or Dominion Railway Act that bears on the above case?

2. Will the municipality have to pay the expenses, as they have never assumed the road? It was built by grants from the Legislature.

1. The Canadian Pacific Railway is operating under a charter obtained from the Dominion parliament, therefore the provisions of The Dominion Railway Act apply to this case.

2. Since the road was built and kept in repair by and belongs to the Ontario Government, we do not see that the municipality has any jurisdiction over it. If a crossing over the railway is required, the matter should be brought to the attention of the Government, with a view to its arrangement with the railway company.

Assessment of Income of Insurance Company.

9—J.M.—There is an incorporated fire insurance company, having its head office in this town and doing a mutual and cash business. From the statement submitted to the assessor by the Company, they report an income from profession or calling, and further an income from mortgages, bonds, stocks, debentures, personal securities, or on bank deposit or without security. Can this, or any part of it, be assessed? Please quote section of the Act.

Clause (a) of sub-section 1 of section 11 of The Assessment Act, 1904, exempts from assessment for income "every person not liable to business assessment under section 10" of the Act. An insurance company is liable to a business assessment of 75 per cent. of the assessed value of the premises used and occupied by the Company in carrying on its business, under clause (c) of sub-section 1 of section 10 of the above Act. The investment of their surplus funds in mortgages, debentures and other securities is incidental to the carrying on of the business of the Company, and we are therefore of opinion that it is not liable to assessment for the income derived from such investments. The latter part of sub-section 7 of section 20 of the Act exempts from assessment the premiums or assessments of an insurance company.

Magistrate May be Candidate for Councillor.

10—W.G.G.—Is it legal for a Magistrate or a J.P. to be a reeve or councillor of a township?

Yes, if he possesses the qualifications prescribed by section 76 of The Consolidated Municipal Act, 1903.

Rebate of Surplus on Drainage Account.

11—J.R.P.—A drain was constructed in this municipality under The Drainage Act and was let under the estimate. There is, therefore, a rebate to the ratepayers. What I would like to know is, are they entitled to it when the drain is completed, or have they to wait until the expiration of the debentures, which is 15 years.

By the latter part of sub-section 3 of section 66 of The Municipal Drainage Act (R. S. O. 1897, chapter 226) it is provided that in a case of this kind the original by-law should be amended, and every such surplus, until wholly paid out, shall be applied by the council of the municipality *pro rata*, according to the assessment, in payment of the rates imposed by it for the work in each and every year after the completion of the work.

Officer to Take Agent's Declaration.

12—W.G.H.—Must agents' declarations and appointments be made before the reeve only, or would declarations made before the clerk or J.P. be satisfactory?

Section 342 of The Consolidated Municipal Act, 1903, specifically provides that agents interested in promoting or opposing the passing of a by-law SHALL be appointed by the HEAD OF THE MUNICIPALITY, and section 343 that the agents so appointed SHALL make and subscribe the declaration set forth in Schedule K to the Act before the *head of the municipality*. Therefore the declaration cannot legally be made before the clerk or a Justice of the Peace.

Duties of Engineer—Time for Filing Appeal.

13—J.E.H.—1. We have appointed an engineer to do our township work, by by-law. Does it require any special by-law for each special drain or ditch, as there are three probably?

2. Is it necessary for engineer to make oath on each drain, or will the one do them all?

3. Should an appeal to the Judge come to the clerk of the initiating municipality of the ditch within the 15 days or not, or to its own clerk where two townships are interested?

1. We understand that these drains are to be constructed under the provisions of The Municipal Drainage Act (R.S.O. 1897, chapter 226). If this is so, the council should, in the case of each drain, either by resolution or by-law, procure an engineer to make the necessary report and survey, as provided in sub-section 1 of section 3 of the Act.

2. Before entering upon the performance of his duty the engineer should, in the case of EACH DRAIN, make and subscribe the oath mentioned in section 5 of the Act.

3. The notice of appeal to the Judge should be filed with the clerk of the municipality whose council passes the by-law, whether it be the initiating or servient municipality. (See the latter part of section 62 of the Act.)

The notice should be filed within ten days after the closing of the Court of Revision.

School Grant to Public Library.

14—S.G.R.—At the last meeting of our public school board the trustees voted $10 to the public library of the village.

Have they power to do this? If not, what way is there to stop them?

We are of opinion that a grant of this kind can be legally made under section 31 of The Public Libraries Act (R. S. O. 1897, chapter 232), which provides that "any municipal or SCHOOL corporation may contribute to the maintenance of a PUBLIC library as such corporation may deem expedient, and may exercise its corporate powers for the collection of any sum so contributed from the taxable property of the ratepayers under its jurisdiction.

Procedure in Voting on Local Option By-Law—Nomination in Police Villages.

15—A.R.—1. Re Local Option By-Law.—In declaration required by sections 342 and 343, Consolidated Municipal Act, 1903, must such declarations be made before the reeve only, or would it answer the purpose if they were made before the clerk or a J.P.?

2. Must the agents appointed to act at the polling places as required by said sections be ratepayers of the township submitting the by-law?

3. Re Police Villages—Is it necessary to print nomination notices for meeting to nominate police trustees, or would written notice be sufficient? How many days' notice are required?

4. How can they arrange to have their nomination in evening instead of at noon?

1. We are of opinion that this declaration can be legally made before the reeve or other head of the municipality for the time being only. (See our reply to question No. 12 in this issue.)

2. Section 342 requires that the reeve or other head of the municipality shall appoint two persons on behalf of the parties interested in and desirous of opposing or passing the by-law. They need not necessarily be ratepayers of the municipality.

3. It is not necessary that these notices should be printed. It will be sufficient if they are plainly written and posted up in conspicuous places in the village. If a newspaper is published in the village a notice of the nomination meeting should be inserted therein at least six days prinr to the day of the meeting. (See section 724 of The Consolidated Municipal Act, 1904.)

4. Sub-section 3 of section 723 of the above Act provides that "the police trustees may by by-law provide that the nomination for police trustees may be held at half-past seven in the evening instead of the hour in the said section mentioned."

Prodedure for Voting on Local Option By-Law.

16—B.L.P.—We are voting on local option in our municipality and there are a few points that I am not quite satisfied on.

1. Has the clerk of the municipality a vote on local option?

2. Do we have to provide separate ballot boxes for each polling place, or do the ballots go into the same box as ballots for members of council?

3. Do the deputy-returning officers count the local option ballots, the same as ballots for council? If so, what does the by-law mean by having appointment for final summing up the votes in our case to a.m. Jan. 5, '09?

4. Our municipality has two polling places. Does section 355 chapter 19, 1903, apply to local option by-laws, that is, are persons owning property in both sub-divisions qualified to vote in both places?

1. We are of opinion that the clerk, if he possesses the qualification of a municipal elector, has the same right to vote on a by-law of this kind as any other elector of the municipality. In case of a tie, however, he has no power to give the casting vote. (See section 365 of The Consolidated Municipal Act, 1903).

2. The same ballot box will answer for both purposes.

3. It is the duty of the deputy-returning officers to count the local option ballots after the close of the poll, as well as the ballots cast at the municipal election. At the time fixed for the summing up of the vote, the returning officer does not count the ballots deposited in the ballot boxes, but simply arrives at and announces the result of the poll, from the statements of votes cast made out and handed to him by the several deputy-returning officers.

4. No. This point was settled by the decision of the Supreme Court of Canada in the case of Sinclair against the Town of Owen Sound.

Composition of Councils in Towns.

17—B.C.—The Town of L. was incorporated in 1890, then placed in wards. The ward system for election purposes was done away with some years ago, but the wards were not abolished. Some claim we cannot abolish them. What I want to know is, can we abolish the ward system by a vote of the council?

This is a town of less than 5000 inhabitants and section 71a of The Consolidated Municipal Act, 1903, (as enacted by section 14 of chapter 18 of The Ontario Statutes, 1903) is applicable. Sub-section 1 of this section provides that "the council of every town having a population of not more than 5000 shall consist of a mayor, who shall be the head thereof, and of six councillors, who shall be elected by a general vote." Sub-section 2 provides that at any time after two annual elections have been held under the provisions of sub-section 1, the council may provide for the election of councillors by wards, by passing the by-law mentioned in this sub-section.

Power to Make Temporary Road—Liability for Accidents on.

18—M.S.B.—1. Has our council power, while repairing a bridge, to force a road across private property, thereby saving a drive around of four miles?

2. Would the council be relieved from responsibility in case of accident by putting up notices that any parties using this road would have to do so at their own risk as the road across this property might be dangerous unless a person was careful?

1. We do not think that the council has any such power as that mentioned.

2. The council cannot be held responsible for any accident that may happen to persons using the road through private property. Travellers on such a road must use it at their own risk.

Privileges of Owner of Dam—Payment of Damages for Sheep Killed.

19—W.H.B.—1. A joint stock company bought a water power in this municipality. It was necessary for them to improve the dam. Can the said company back the water any higher than could be done with the old dam?

2. Can they raise the water to high water mark, and if so, is that as high as ever the water goes?

3. If a council passes a by-law to collect a dog tax, can a ratepayer who gets sheep killed by dogs compel the council to compensate him for said sheep?

1 and 2. The company can raise the water as high as it deems necessary for its purposes, so long as it does not trespass upon the rights of, or cause damage to the property of riparian owners.

3. Section 18 of chapter 271 R. S. O. 1897, requires the council of a township to compensate, to the extent of two-thirds of the amount of the damage done, the owners of the sheep killed or injured by dogs, so long as there is money to the credit of the dog fund of the municipality.

Duties of School Trustees—Draining of Swamp—Qualification of Voters—Damages for Flooding of Land.

20—R.S.G.A.—1. In our S.S. there are only five children of school age and the trustees won't open the school. Can they be

compelled to open the school? If so, which is the way to make them? Last year at Christmas there was over $150.00 on hand and they have raised a section rate this year which will make $52 more. Is it legal to raise a section rate when they don't need the money? Can the trustees be compelled to put the money they have in the bank to draw interest?

2. On a concession there is a swamp over which we have built a log crossing and put earth on top, but the flush of water in the spring washes the earth out and sometimes the logs. We could drain it by blasting out a rock which is on private property. Can we blast the rock out if the owners of the land object? There is no other way to drain this swamp.

3. Can a person who is not on the voters' list vote at the municipal election? He voted for the dominion election.

4. In draining a road, is it illegal to run the water off the road on to private property?

1. Sub-section 3 of section 65 of The Public Schools Act, 1901, renders it the duty of the trustees to provide accommodation for all children between the ages of 5 and 16 in the section. The trustees can be compelled by mandamus to keep the school open on teaching days and to employ a teacher. We think, however, that it would be better to unite this section with some other section in the township, or to so re-adjust the sections as to insure the attendance at each school of a reasonable number of pupils. The trustees have no power to procure the levy and collection of any monies that are not required to pay the expense of maintaining the school.

2. The council cannot do this work without first obtaining the consent of the owner of the land on which the rock stands. The municipality should institute proceedings under the provisions of The Ditches and Watercourses Act (R,S.O. 1897, chapter 285), and thus obtain the making of an award by a competent engineer, which will satisfactorily adjust the rights and liabilities of all parties concerned. Section 31 of the Act makes provision for rock-cutting or blasting.

3. No.

4. Yes, and the owner of the property will have a right of action against the municipality for flooding his land.

Voters in Newly Incorporated Village.

21—J.A.—A portion of the township has been attached to a newly incorporated village, incorporation to take place on January 1st, 1909. Names of all the villagers on the township voters' list for 1908. Polling place formerly in the village, but by by-law now in the township. What I want to know is, have the people of the village a right to vote at the ensuing municipal elections in the township? Village intends to hold election of their own as soon as possible after January the 1st.

The village corporation should hold its nomination meeting on the 28th December this year and its election on January 4th' 1909, in accordance with the provisions of sections 119 and 128 of The Consolidated Municipal Act, 1903. Under the circumstances stated we do not think the voters within the limits of the newly incorporated village have any right to vote at the election of the members of the council of the township.

Repair of Drain—Law as to Traction Engines.

22—J.W.P.—1. Have municipal councils authority to appoint overseers to repair drains without report of engineer when they are continued into another township, and spend up to $800 on them in accordance with the 1908 amendment to complete the cleaning as far as they had to do it at the last report of engineer, or do they have to have an engineer each time a drain needs repairing when more than one township is interested?

2. When a man has a crop of wheat sowed and did not have notice that the drain was going to be cleaned and they cover some of the wheat up, can the owner of wheat collect damages? There was a substantial fence on other side of drain and owned by same man, which he did not want removed. Can owners of land along a drain compel the parties cleaning out to level the earth they remove? The drain in question was constructed under The Ontario Drainage Act.

3. In our township a thresher (living in an adjoining township) has a very heavy threshing engine, 18 or 20 h.p., said to weigh 7 tons empty (although there are no scales around we could weigh it on) and 8 tons running. He also draws a heavy separator and a water tank behind that; they would weigh about four tons, all of which he draws with the engine. He carried no planks to protect surface of culverts and did not take any steps to see that they were safe. His engine went through a culvert and dropped about 18 in., just the hind wheels. It took him a day to get it pried up, the pathmaster helping fix the culvert so that he got out all right, steamed up and went away, saying there was no damages done. In a few days he sent a bill in to the reeve for $18 for loss of time, etc. No action was taken by the council and a short time ago they received a letter from a lawyer asking for $18 loss of time and $50 for damages to boiler, although the boiler never touched the ground and he threshed for a couple of weeks before ever noticing anything wrong. Well I want to know if you think he fulfilled his part by not taking any step to have the bridge made safe, and if they have to build a bridge on every little sideroad that would hold up such a heavy machine. He could have kept off it by going around a mile further, or if he had carried planks no doubt it would have held up.

1. Section 74 of The Municipal Drainage Act (R. S. O. 1897, chapter 226), as amended by section 1 of chapter 52 of The Ontario Statutes, 1908, does not apply to a drain which is continued into another municipality. To repair a drain of this kind to the extent and amount mentioned the council should have proceeded under the provisions of section 75 of the Act and employed an engineer to make his report on the work before it was proceeded with.

2. If proceedings had been properly instituted, the engineer would have been guided in this regard by subsection 5 of section 9 of the Act, which provides that "the engineer or surveyor shall further in his report determine in what manner the material taken from any drainage work, either in the construction or repair thereof, shall be disposed of, and the amount to be paid to the respective persons entitled for damages to land and crops (if any) occasioned thereby, and shall include such sums in his estimates of the cost of the drainage work or the repairs.

3. It is very important to know the weight of this traction engine. Without this knowledge all we can do is to state the law as to traction engines generally, which is as follows: The provisions of section 10 of chapter 242, R.S.O. 1897, as to the strengthening of bridges do not apply if the engines are less than eight tons in weight but the effect of the proviso enacted by section 60 of chapter 10 of The Ontario Statutes, 1904, is to require the owners of ALL traction engines to protect the surface of bridges and culverts from injury by contact with the wheels of the engine, by the laying of a covering of plank sufficient for the purpose. If the engine is eight tons or over in weight, and if less, is not used for the purpose of drawing threshing outfits or road machinery, the owner must strengthen all bridges and culverts across which the engine is taken sufficiently to sustain its weight. If the engine is less than eight tons in weight, and is being used for threshing purposes or for machinery in the construction of roadways, the council of the municipality must, in order to escape liability for accidents, construct their bridges and culverts of sufficient strength to sustain its weight. The owner of the engine must bring his action against the municipality within three months from the time the damage complained of was sustained, as required by sub-section 1 of section 606 of The Consolidated Municipal Act, 1903, and since the municipality is a township, notice in writing of the happening of the accident and the cause thereof should be served upon or mailed to the reeve or clerk of the municipality within thirty days after the happening of the accident, unless the Court or Judge before whom the action is tried considers that there is sufficient excuse for the want or insufficiency of such notice. (See sub-sections 3 and 5 of section 606.)

Agents at Polling Booth not Entitled to Pay.

23—R.M.S.—On November 6th our ratepayers voted on a $10,000 bonus to the Heinz Pickle Co. Our town council, as a council, and personally, worked for the passing of the by-law. The day preceding the voting on the by-law was the day appointed for the mayor to appoint scrutineers or agents for and against the by-law. He partly hunted agents to act for the passing of the by-law. (No agents applied nor were appointed as interested in opposing the by-law.) The agents appointed understood they were to have pay for their services, the mayor intimating or saying to some that they would be paid.

Now the council wish to know if it would be legal for the council to pay, out of the town treasury, these agents? Is the council to be strictly neutral in this matter, or as they, as a council, were interested in the passing of the by-law, can the council pay these agents?

We do not think the council has any authority to devote any part of the funds of the municipality towards paying the agents for their attendance at the polling booths on the day of the voting.

Date of Debentures.

24—P.A.F.—Has town council power to change date of unsold debentures, or could the buyer pay more for them on old dating?

A change in the date of the debentures is not necessary. The council should obtain from the purchaser, however, the amount of the interest that has accrued from the date of the debentures to the date of their delivery to the purchaser. Sub-section 3 of section 384 of The Consolidated Municipal Act, 1903, provides that the debentures shall be issued within two years from the passing of the by-law.

Grant to Cemetery Company.

25—S.J.Mc.—We are desirous of restoring and putting in a proper state of repairs an old cemetery. Can the council grant $100 for this purpose?

Yes. Sub-section 3 of section 577 of The Consolidated Municipal Act, 1903, empowers councils of townships, cities, towns and villages to pass by-laws "for making annual or other grants of money to the owners or trustees of cemeteries situated within the municipality or any other municipality."

No Provision for Abolishing Wards in Towns.

26—R.S.—Our town (population 2,700) is divided into three wards, incurporated 1890. For a number of years, and at present, our mayor, reeve and council have been and are elected by a general vote. On bonus by-law voted on lately, vote was by wards.

Kindly advise if you can, and if so, how to abolish the wards of the town, so as to make all matters, council and by-laws, come under general vote and only one vote to one ratepayer.

We assume that the former Village of L. was erected into a town by proclamation of the Lieutenant-Governor-in-Council under the authority of what is now sub-section 2 of section 21 of The Consolidated Municipal Act, 1903, (then sub-section 2 of section 19 of chapter 184, R. S. O. 1887) and that in his proclamation the Lieutenant-Governor divided the town into three wards under the authority of what is now section 23 of The Consolidated Municipal Act, 1903 (then section 21 of chapter 184, R. S. O. 1887). The latter part of the latter section provides that no town shall have less than three wards, and no ward in such town, etc., less than 500 inhabitants. Sub-section 71a of The Consolidated Municipal Act, 1903, provides for the election of the mayor and council of a town of less than 5,000 inhabitants by general vote, but does not do away with the division of the town into wards, nor is there any provision made elsewhere for the abolishing of such division. As the law exists at present there is no way of preventing an owner voting on a money by-law in all the wards in the town in which he possesses the necessary qualification. In the case of a local option by-law, however, he does not possess this right, as decided by the Supreme Court of Canada in the case of Sinclair against the Town of Owen Sound.

Exemption of Separate School Supporter From Public School Rates.

27—J.G.—ARoman Catholic has property in Municipality of K. or which he is assessed for separate school therein. He now resides on assessable property in the Municipality of J. and M., which is in a public school section; his children will continue to go to the separate school in K., it being the nearest. As there is no separate school in the Municipality of J. and M. where he resides, is he exempt from the public school rate on this property? He has sent the clerk a notice of withdrawal.

Sub-section 1 of section 42 of The Separate Schools Act (R.S.O. 1897, chapter 294), provides that "every person paying rates, whether as owner or tenant, who, by himself or his agent, on or before the 1st day of March in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and supporter of a separate school situated in the municipality, or in a *municipality contiguous thereto*, shall be exempted from payment of all rates imposed for the support of public schools, etc." Therefore if the Municipality of K. is contiguous to or adjoining the municipality of J. and M., on giving the clerk of J. and M. the notice mentioned in section 42, he will be exempted from payment of public school rates in the municipality of J. and M.

Rebate of Hotel License on Account of Quarantine.

28—R.K.S.—The medical health officer quarantined two hotels here for smallpox last winter and the hotel-keepers here are asking the council for a rebate on their license for the time that they were closed, and I would like to know if they can claim it or if they have to bear the expense the same as before?

The municipal council has no authority to make a rebate of this kind.

Duties of Engineer and Parties Interested Under D. & W. Award

29—C.A.C.—The municipal engineer has been asked to sell a line ditch between two farmers. He has been called for by one of them who pretends that he has done his share. The party who had neglected to do his part has been notified, once verbally and once written notice. Work to be done within thirty days and he failed to do so and the engineer has sold it twenty-six days after the date of the aforesaid notice, consequently four days shorter than the mentioned time in first notice. Two acres and one third seems to be under award and two and two-thirds acres not awarded and he sold both parts, 1st awarded part $7.00 and second and last part $10.50, which was not under award. Job has been done and the engineer will not come to receive the job. Work was completed about October 1st, 1908. Had the engineer the power to do so? Who is the responsible party if the contractor sues for his payment, the man who called the engineer, the farmer in default, or the engineer or municipal council? What is the best proceeding to take?

Engineer told the jobber that the party who had called him would oversee the job, if not satisfactory would have to report, but it has been accepted by not putting in any objection.

As we understand the statement of the facts, one of the parties to the award failed to construct his part of the drain, as originally laid out, within the time mentioned in the award; that the engineer was notified, by another of the parties to the award, of the default and sold the doing of the work to the lowest bidder, as provided in section 28 of The Ditches and Watercourses Act (R. S. O. 1897, chapter 285). If this is so, only four days' notice of the letting of the work is required. (See clause (a) of sub-section 1 of section 28,) Section 29 of the Act provides that the engineer shall inspect the work within ten days after receipt of notice of its completion. If he finds the work satisfactorily completed he should so certify to the council. He should also mention in his certificate the amount to which the contractor is entitled, and this sum the council should pay at its next meeting and collect it from the party in default with seven per cent. added thereto, as provided in section 30 of the Act. In this case the council is not liable for, nor should it pay, anything to anybody until the engineer has filed with the clerk the certificate mentioned in section 29 of the Act. The engineer has no authority under the Act to let any work not mentioned in the award.

Tax Exemption By-Law Must be Submitted to Electors—Pathmaster, etc., Qualified as Councillor.

30—A.W.—A ratepayer is building a sawmill and wants the council to pass a by-law to exempt him from paying taxes on the mill on condition for a period of years that he build a certain piece of road on the road allowance.

1. Can the council pass a by-law to exempt him from paying taxes for the time mentioned without submitting the by-law to a vote of the ratepayers?

2. Is a ratepayer legally qualified to be elected as councillor who is holding the office of pathmaster and also poundkeeper?

1. The exemption of a manufacturing institution from taxation is a "bonus" under the authority of clause (g) of section 591a of The Consolidated Municipal Act, 1903, and a by-law for granting the same must be submitted to and receive the assent of the duly qualified electors of the municipality before it can be legally finally passed by the council.

2. The mere fact that a person happens to hold the office of pathmaster or poundkeeper does not disqualify him from being elected a councillor.

Liability of Separate School Supporter.

31—H.H.—Some years ago a ratepayer in No. 1 S.S., assessed to pay taxes to the separate school, there also being a public school in the same section, was assessed for the debentures for a new school house. After the debentures were paid up, the section was divided, leaving the said ratepayer in No. 1 P.S.S. He is now called upon to pay the debentures on a new public school. Can he be compelled to pay this second debenture, it being a part of S. S. No. 1 as formerly?

This question is somewhat difficult to understand. If the ratepayer was assessed as a separate school supporter he could not be called upon to pay any part of the debentures issued for building a school house in the public school section. So we assume that prior to the division of the public school section he was paying his share of the cost of building the separate school of which he was a supporter. If, notwithstanding the division of the public school section, he is still a supporter of the separate school, he cannot be called upon to pay any part of the cost of building a new public school house in either of the sections into which school section No. 1 has been divided.

Qualification for Reeve, etc.

32—A.C.C.—We have an incorporated police village in our township. Is a ratepayer of that village eligible for reeve or deputy reeve of the township?

We assume that the trustees of the police village were incorporated under the provisions of section 751 of The Consolidated Municipal Act, 1903. This incorporation of the board of trustees does not constitute the police village a distinct municipal corporation, but it still remains a part of the township in which it is located. Therefore any ratepayer in the police village who possesses the qualifications mentioned in section 76 of the above Act is eligible as a candidate for either the office of reeve or deputy-reeve of the township.

Time for Redemption of Land Sold for Taxes.

33—J.D.G.—The municipality bought a lot at the land sales sold by the county treasurer. The man had a year and a day to redeem it. Now the county treasurer, he has to notify the man and give him thirty days more; has he but a year and a day?

Sub-section 1 of section 165 of The Assessment Act, 1904, provides that if the land sold is not redeemed within one year from the day of sale, exclusive of the day of sale, then the treasurer is to make the searches in this sub-section mentioned. After he has made the searches he is required to send the notice mentioned in sub-section 2 to the registered owner of the land sold, and each incumbrancer, giving them thirty days from the date of this notice to redeem the estate sold by paying to the treasurer the amount of the purchase money, together with fifteen per cent. thereon added thereto, and the amount of his charges for searches and postage and $1 for the notice. In case these payments are not made within the time limited, the treasurer is at liberty to give a deed to the purchaser, as provided in sub-section 6.

Liability for Cost of Burying Dead Horse.

34—J. M.C.—On Sunday, October 18th, 1908, there was found a dead horse near the main road. Proprietor was unknown. One B., living in the neighborhood, made a complaint to the chairman of the board of health. The chairman called a meeting of the board. This was on October 26th, 1908. The meeting was on October 28th 1908.

On the 28th, '08, B., before the meeting of the Board, met one L., who told him he was the proprietor of the dead horse and that he would go and bury the said horse the next day. B. the same day sent a notice to the board asking not to hold the meeting. Meeting was held just the same and the board decided to have B. notified to bury this horse in 24 hours.

Now the next day, October 30th, 1908, L. went and buried the horse. The council would not put the costs on one or the other without consulting you and they want to have your opinion on the same.

We assume that reference is made to the cost of burying the horse. If this is so, we do not see that either the council or local board of health is liable, under the circumstances stated, for any part of this cost. L. was the owner of the horse and it was his duty to bury it, and he did bury it. He is not entitled to pay for performing his plain duty. The expenses of holding the meeting of the local board of health will have to be paid in the usual way and cannot be collected from either B. or L.

Costruction of Sewers as Local Improvements by Townships.

35—J.M.—1. Two-thirds of the property owners, representing more than one-half the property to be benefited, in an unincorporated village in a township, have petitioned the council to put in a system of sewers to carry the sanitary sewage of the village and carry off factory wastes and railway waste water. The petition asks that the property fronting on the line of sewers be taxed for a proportion of the cost and the whole area be taxed by a general rate to cover the cost of the larger sewers towards the outlet and the construction of a disposal plant.

Has the council authority to assess the property fronting on the sewers say at an approximate cost of a sewer to serve the frontage assessed, and besides assess the said property which does not front on the sewers but which derives benefit, either at the present time or in the future if connections were made, to pay for the cost of the enlarged sewers towards the outlet and the cost of the disposal plant? If in this area some property, such as factories or railway property, receives greater benefit from the sewers than ordinary property, could the council assess such property according to the benefit derived? The sewers in no case would be more than 18 inches in diameter.

2. After the sewers and disposal plant have been constructed, what provision can the council make for maintenance and repairs, and a supply of water for flushing purposes? Can they include in the yearly rate to repay the indebtedness for the cost of maintenance such as caretaking and water supply for flushing purposes, water being available from a private water supply?

3 Upon what basis of rental should a public institution be allowed to empty their sewage into the system and have it treated at the disposal plant? Could this rental be used to pay for the cost of maintenance, or should it be used to reduce the first cost to the ratepayers by reducing the annual rate?

4. What powers of expropriation has a council for a right-of-way for an outlet for sewers and land for a disposal plant? Could a street which has never been opened and upon which no lots have been sold, but which has been laid out by registered plan, be opened by by-law of the township for an outlet for the sewer without paying compensation to the owner?

1. We are of opinion that the council has these powers. Sub-section 2 of section 673 of The Consolidated Municipal Act, 1903, provides that "where in order to afford an outlet for the sewerage and drainage of real property, other than that fronting or abutting upon the street in which the sewer is proposed to be or is constructed, such sewer is proposed to be or has been constructed of a larger capacity than that required for the

efficient sewerage and drainage of the real property fronting or abutting upon the street, the council may impose a special assessment upon any other real property benefited by the construction of such sewer, in the manner provided by sections 674 and 675 of the Act." Sub-section 1 of section 674 of the Act provides that if "the council is of opinion that from any cause it is inequitable to charge the whole of the cost of the improvement on the lands fronting thereon, the council shall determine what lands are benefited by such work or improvements and the proportion in which the cost thereof shall be assessed against the lands benefited, and also the proportion, if any, of the cost of the improvement which shall be assumed by the township, etc." As to the assessment and collection of the cost of constructing branch drains or sewers, see sub-section 1 of section 673.

2. After the sewers have been constructed they must be maintained and kept in repair at the expense of the township generally. This is provided by sub-section 1 of section 666 of the Act. A sewage disposal plant cannot be constructed as a local improvement. The cost will have to be borne by the municipality generally. If the area to be benefited by the construction of the sewers was a corporation, it should bear the cost of constructing the sewage disposal plant.

3. Since this municipality is a township we do not think the council has any authority to charge rents for the use of the sewers. Sub-section 2 of section 539 of the above Act applies only to councils of cities, towns and villages. We do not know of any municipality situated similarly to yours as regards the above particulars. We are answering these questions on the assumption that no legislation has been passed conferring special powers on this municipality as to the matters referred to.

4. A council has such power under sub-section 1 of section 554 of The Consolidated Municipal Act, 1903. Unless the street referred to is a public highway (and it does not appear to be) compensation must be made to the owner.

A Drainage Contract—Duties of Engineer—Rights of Contractor.

36—F.M.—The contract for constructing a drainage work under The Municipal Drainage Act was let by the municipal council by tender, nine tenders being received, the lowest of which was accepted. The contractor completed the work in accordance with his contract. The engineer in charge of construction, when certifying to the completion of the work, recommended that the contractor be paid quite a large amount over and above the contract price on account of the construction being more difficult than appeared on the surface. No change was made in the size or location of the drain.

1. Has an engineer authority to give contractors extras on contract work under The Drainage Act when no change is made in the profile? Cite authority.

2. Should the council pay recommended extras?

3. If the council pays extras recommended by the engineer, does it mean any liability to the parties assessed for the drainage work?

4. A contractor's bond called for the completion of a drainage work by December 1st, 1907. It was not completed until nearly a year later. Should he be allowed extra for repairing and finishing portions constructed 1907?

5. If allowed extras, would not the contractor and his securities be liable for the amount as damages under the Bond?

1. No.

2. No.

3. No.

4. No, unless the bond makes some provision in favor of the contractor in case of the non-completion of the drain within the time specified, owing to circumstances over which he has no control.

5. It is unnecessary that we should answer this question, owing to the nature of our reply to question No. 4.

Council May Change Mode of Issue of Debentures.

37—A.M.—We passed a by-law granting the H. B. & B. Co. a loan of $25,000.00, repayable in twenty annual payments of $2006.08 on the 1st January of each year. The H. B. & B. Co. have to accept the debentures at par, and they claim they cannot sell them to advantage in this way and want the council to issue the debentures with coupons attached for the interest payable annually. Has the council power to change the debentures from the way set forth in the by-law passed by the people granting same by a by-law of the council?

Yes. Sub section 4 of section 386 of The Consolidated Municipal Act, 1903 (as enacted by section 8 of chapter 40 of The Ontario Statutes, 1907), provides as follows: "In the case of any by-law heretofore or hereafter passed, the municipal council may by by-law authorise a change in the mode of issue of the debentures from that defined by the by-law and may direct that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* (as the case may be) and in case of the sale, pledge or hypothecation of any debenture issued under the authority of any such by-law, the municipal council may, upon again acquiring the same or at the request of any holder thereof, cancel the same and thereupon issue one or more debentures in substitution therefor and make such new debenture or debentures payable by the same or a different mode of payment, and the assent of the electors shall not be necessary in any such case, provided always that there be no change in the amount to be paid in each year."

Qualification of Reeve—Clerk has Casting Vote Only at Municipal Elections.

38—P.S.—Tenders were advertised for the building of a bridge in our municipality last fall. The tenders received were all considered too high by the council and it was decided to build the bridge by day work, and the reeve was appointed by the council to oversee the building thereof and to purchase the material required. The bridge in that manner was built for considerably less than the amount the lowest tender asked for.

We have no township hall in our municipality and for want of better accommodation we always heretofore held our nomination and municipal elections in an Orange hall, which for years has been in poor repair. The roof, and ceiling especially, leaked so that in wet weather it was unpleasant to be inside, and difficult to keep books and documents dry.

During last summer our reeve built a new, more commodious and suitable public hall and our municipal council at their last session decided, and passed a by-law, to hold the nomination and ensuing election therein.

Our nomination meeting was held on the 14th inst., and some of the electors expressed the opinion that the overseeing of the building of the bridge referred to will disqualify the reeve, who has been nominated again, from serving in that capacity next year.

Others claimed that the use of his hall for the nomination and for polling room will also disqualify him, whether he takes pay for it or not.

We have two polling sub-divisions in our municipality and the council appointed, by by-law, a deputy-returning officer for each. The clerk is to act as returning officer.

Some electors claim that the clerk has a municipal vote, beside the casting vote if an equality of votes should require one, while others think that he has none but the casting vote if two or more candidates should have an equal number of votes.

1. Will the overseeing of the building of that bridge disqualify our present reeve from serving in the same capacity next year?

2. Will use of his hall disqualify him if he accepts pay for the use of it?

3. Will it disqualify him if he allows the use of the hall for the purposes mentioned without asking or receiving pay therefor?

4. Would the clerk, as returning officer, have a right to poll his vote on election day and then give his casting vote if circumstances should require it?

1. The mere fact that the reeve superintended the building of a bridge in his municipality this year will not disqualify him as a candidate for the reeveship for the coming year. The reeve, or any other member of the council can be legally appointed to do work of this kind,

and to receive pay for it from the council, under the authority of clause (a) of sub-section 1 of section 537 of The Consolidated Municipal Act, 1903. All accounts, however, relating to the doing of the work should be fully settled between the reeve and the council prior to nomination day, so that it could not be successfully alleged that at the time of the election he had an unsettled claim against the municipality.

2. We are of the opinion that it would, for the reason that at the time of the election he would have an unsettled claim against the municipality and would therefore be disqualified by reason of the provisions of sub-section 1 of section 89 of the above Act.

3. No.

4. No. Sub-section 1 of section 179 of the above Act provides that "in case it appears, upon the casting up of the votes as aforesaid, that two or more candidates have an equal number of votes, the clerk of the municipality (or other person appointed by by-law to discharge the duties of clerk in case of his absence or incapacity through illness) whether otherwise qualified or not, shall, at the time he declares the result of the poll, give a vote for one or more of such candidates, so as to decide the election for the local municipality." Sub-section 2 of this section provides that "except in such case, no clerk of the municipality shall vote at any local municipal election held in his municipality."

Liability for Accident on Road.

39—W.S.R.—A was driving home from a party late one night lately, an exceedingly dark night, in fact A says himself "he does not think he ever saw a darker one." In fact he could not see to drive at all and he drove off the end of a culvert about 4 feet deep, upsetting his rig and breaking the top. There was no guard-rail on the culvert. He had just left the house about 100 yards, a party carrying a lantern preceded him across a bridge to start him off and had just left him. He puts in a bill for a new buggy top.

1. Under the circumstances of it being so very dark, is the township liable to pay damages?

From the bridge to the culvert is a causeway about 4 feet high and but for a long stringer by the side of it he would have driven off the road before he got to the culvert.

2. Does darkness lessen the township's liability?

1 and 2. It is not stated how wide the culvert was, and this is a matter of some importance, nor is it alleged that it was the absence of a railing on the culvert which caused the accident. From the statement of the facts, however, there is ground for believing that the absence of the railing contributed materially to the happening of the accident, as it was the protection of the stringer along the causeway which prevented the driver from getting off the travelled highway before. The mere fact that it was very dark does not absolve the municipality from liability, if the person suffering the injury can show that the municipality was guilty of negligence in leaving the culvert unprotected by a railing or otherwise. Of course a traveller, on a very dark night, is required to exercise a greater degree of care than in daylight. Under all the circumstances of the case, since the claim is comparatively small, we think the council's best course is to settle with the claimant at as reasonable a figure as possible.

Mode of Calculating Three-Fifths Majority for Local Option By-Law.

40—A.M.C.—Voting on local option by-law requiring 3/5 of total vote polled.

Please give the correct solution and an example for calculating majority of votes on local option by-law.

Say vote for local option 151.
" against " 86.

Some claim number of votes required to carry, 142 1/5; others claim correct number required to carry only 129, claiming should be calculated as follows:

For 40 against local option require 60 for.
For 86 " " " 86 x 60/40 : 129.

Sub-section 4 of section 141 of The Liquor License Act (R.S.O. 1897, chapter 245) as enacted by section 24 of chapter 47 of The Ontario Statutes, 1906, provides that "in case three-fifths of the electors voting upon such by-law approve of the same, the council shall, within six weeks thereafter, finally pass such by-law, etc." In the case mentioned 237 voted on the by-law; three-fifths of 237 is 142 1/5. Therefore if 143 of the votes cast were in favor of the by-law the council is compelled to finally pass it.

Township May Appoint Sheep Inspector—Can Appoint Local Option Inspector.

41—E.M.—1. Would it be legal for the township council to pass a by-law appointing an inspector or inspectors to assess the damages to sheep killed or injured by dogs?

2. Are you aware of any township council having appointed an inspector to enforce the local option by-law?

3. If so, what remuneration said inspector would receive?

4. What would you consider would be a fair salary in a township that formerly had four licensed houses?

5. What way should the ratepayers proceed to have one appointed?

1. Yes. the appointment must be made by by-law under the authority of sub-section 1 of section 537 of The Consolidated Municipal Act, 1903.

2. Yes, under the authority of section 127a of The Liquor License Act (R.S.O. 1897, chapter 245) as enacted by section 21 of chapter 47 of The Ontario Statutes, 1906.

3, 4 and 5. Our reply to question No. 2 renders it unnecessary to answer these questions.

Effect of Holding Poll in Candidate's House.

42—L.S.B.—Will it be legal to hold a poll for the municipal election in a house that is owned and lived in by a candidate for the reeveship? If not, what are the duties of the clerk?

A polling booth may be legally located in a house belonging to a candidate for the reeveship of the municipality, but, in the event of his election, the fact that at the time of his election he had an unsettled claim against the municipality for the rent of the polling booth might be taken advantage of as a ground for attacking his right to retain the office. (See sub-section 1 of section 80 of The Consolidated Municipal Act, 1903.)

Obtaining Outlet for Drain—Liability to Build Fences.

43—E.L.—1. A has a farm which he put some tile drain in some years ago with 2½-inch tile; since, he has run some more but the 2½-inch tile is large enough to carry all the water. B has a farm alongside and he drained in the same drain and the 2½-inch tile that A put in is not large enough to carry all the water. Is A compelled to take the 2½-inch tile out and put larger ones in place, or has B a right to do part? If so, how much should he do?

2. In reference to question 605 of the December number, what I want to know is, has B any right to maintain any of the fence along A's farm, not the new road?

1. A is not compelled to enlarge his tile to afford an outlet for water flowing from the lands of B. This is a case where proceedings should be instituted under the provisions of The Ditches and Watercourses Act (R.S.O. 1897, chapter 285), and in this way the rights and liabilities of the several owners interested can be properly adjusted.

2. If B desires to inclose his land he should build all the fence on his side of the road. A should do likewise on his side. Neither A nor B can be compelled to assist the other in building either of these fences.

By-Law Repealing By-Law Raising Licenses Must be Submitted to Electors.

44—G.B.—Has a municipal council authority to repeal a by-law passed in the year 1906 imposing on taverns a license fee of $75 over and above all statutory fees? To repeal such by-law has the council to submit a by-law to have the assent of the electors?

The council has no such authority until it has submitted the repealing by-law to the electors of the municipality and it has received their assent. Sub-section 3 of section 11 of chapter 47 of The Ontario Statutes, 1906, provides that "any by-law so approved (that is a by-law increasing tavern licenses) shall not be varied or REPEALED unless the varying or repealing by-law has been in like manner submitted to and approved of by the electors of the municipality."

Clerk's Claim to Salary.

45—T.W.T.—In 1892 A was appointed clerk of the township by a motion in the council appointing him clerk for the year 1892. There is no by-law to that effect or no other motion appointing him for any other year, although he has held the office up to last January, when a motion was carried in the council appointing B as clerk, also a motion that B receive all books and papers belonging to the township. There was no by-law to that effect, neither was there a motion or by-law discharging A. B received all books and papers from A and has acted as clerk since then. A has attended every council meeting during the year, not, however, in time to open the meeting, neither did he attempt to occupy the clerk's chair, but at the December meeting he presented his bill and demanded his salary as clerk for the year 1908, claiming that he is the legal clerk. Is he right and can he compel the council but not to pay him the salary demanded?

These appointments should both have been made by by-law, but since the council purported by resolution to appoint B its clerk, and he received all the documents, books and papers belonging to the municipality, has been their custodian for the year, has performed all the duties of the clerk and his services have been apparently accepted and taken advantage of hy the council, it should pay him his salary.

Right of Village Clerk to Vote on Local Option By-Law.

46—G.W.B.—Can the clerk of a village vote on by-law repealing local option?

We are of opinion that the clerk, if he is possessed of the statutory qualifications of a municipal voter, has the same right to vote on a by-law of this kind as any other duly qualified municipal voter in the village. He has not, however, any additional or casting vote in case of a tie.

Clerk has no Casting Vote on Local Option By-Law—Right of Deputy-Returning Officers to Vote.

47—J.J.D.—Please let me know if a returning officer for the whole township has the casting vote on a local option by-law if the vote should stand a tie after the ballots are counted, also let me know if deputy-returning officers have the right to vote at municipal elections when a local option by-law is being voted on, or can they vote for members of the council but not on the by-law?

The clerk or returning officer has the same right to vote on a local option by-law as any other ratepayer in the municipality if he possesses the qualifications of a municipal voter. He has no second or casting vote in the event of a tie. If the vote results in a tie the by-law is defeated. In one case it has been judicially held that deputy-returning officers have no right to vote on a local option by-law, and in two other cases, that they have such right. In view of this conflict of judicial opinion, we think it best that the deputy-returning officers refrain from voting until the Legislature has, by positive enactment, settled this disputed point. The deputies can vote at municipal elections if they possess the required qualifications.

Liability for Erecting Bridge Pier in Stream.

48—T.P.N.—A owns small saw mill at which he saws about 60,000 feet annually. There is a bridge across the river above his mill which is about 25 feet between the outside piers. This stream he has used for driving his logs to his mill. Last summer a petition came from the ratepayers who are obliged to cross said bridge, it being on the original road although not on the line, to this council to have the bridge repaired and the council made a grant to repair the bridge. The only way the bridge could be made safe was by building a small pier in the centre of the stream, which they did, and on one side of centre pier is 9 feet to outside pier and 7 feet on the other side to outside pier, centre pier only being 6 feet wide. Experts claim that said centre pier does not hinder A's logs from coming down the stream. Now A has sent this council a lawyer's letter. What should we do?

The course that the council should pursue in this matter depends altogether upon the facts of the case. If the erection of the pier has not interfered with the use of the stream by A for the purpose of floating his logs and he has therefore sustained no injury, and the council can show this, he has no claim upon the municipality.

Apportionment of General School Levy in Union Section.

49—A.C.—Our council of S. township, P. S. District, adopted the system of raising $150 for every school section by a general school rate over all the township.

In our township there is a union school with S., J. and A. (all organized townships), S. 58%, J. 10% and A. 32%. The trustees of this union school require $300, $174 from S. and the balance from A. and J. Now the council of S. decided to give the trustees 58% of the $150, which is $87, and the balance of $87 was raised by a rate on that section in S. township. The trustees of that section are not satisfied with this method and sent us the following letter:

To G. C———,

Reeve of S. Township:

"As the council at their meeting did not agree with my contention in regard to our portion of the general tax, and as I am still of the opinion that I am right and intend to have the matter tested, so I will state my case so there will be no misunderstanding. It is as follows:

"As our assessment is to the average assessment of all the sections, so is our portion of the general tax of the $150, and as the average assessment of all the sections is $30,846 and our assessment is $25,550, our portion is $124 and that is the amount I demand for our section and I wish to have my claim filed by the clerk so the question can come up at the first meeting of the new council."

The average assessment of the school sections is only about $28,000 besides this union section, which is $44,000, but only $25,550 of this $44,000 is in S. They claim $124 of the $150.

Should the trustees get 58% of the $150 or should they receive the $124 in the following manner:

$30,846 assessment raises $150
$25,550 " " $124

The assessment of the property in this union school section should be equalized by the assessors of the three municipalities out of portions of which it is composed, in the manner provided by section 54 of The Public Schools Act, 1901, and the amount of the general school levy should be raised by the three townships in the proportion fixed by the assessors in their report. (See sub-section 8 of section 70 of the above Act, as enacted by section 39 of chapter 53 of The Ontario Statutes, 1906.)

Dissolution of Union School Section, and Uniting one Section with Another in Same Township.

50—W.P.M.—I have been instructed by the council of the township of B. to seek advice from THE MUNICIPAL WORLD relative to school question that is causing no end of trouble. S. S. 5 in the Township of B. is united with S. S. 6 in the Township of K. The ratepayers of No. 5 complain that they are overtaxed and pay more than they should towards the maintenance of this union, and the information now sought, can No. 5 withdraw from No. 6 and form union with No. 4, in the Township of B.? The union would be most desirable to the ratepayers of Nos. 4 and 5, but no doubt would be objected to by S. S. No. 6. Kindly give the information how the ratepayers are to proceed in the matter.

Proceedings for the dissolution of the union will have to be taken in accordance with the provisions of section 46 of The Public Schools Act, 1901. If this dissolution is effected, proceedings will have to be instituted under the authority of and in the manner prescribed by section 41 of the Act.

Non-Resident Statute Labor—Qualification of Pathmasters and Members of L. B. of H—Amount on Which Taxes to be Computed—Payment of Teachers' Salaries.

51—H.A.B.—1. 4 Ed. VII., chapter 25, section 9 (3) provides that the clerk shall enter a rate of not exceeding one-half per centum on the valuation of certain non-resident lots under $200 in valuation on statute labor. The council may direct a less rate to be imposed.

Can a township council by by-law legally impose a higher rate than specified in above Act ?

2. Are pathmasters or members of board of health, whose term of office is unexpired, be members of township council, or does their office of pathmaster or member of board of health disqualify them ?

3. A was assessed by assessor for $500 ; he appealed to Court of Revision, who confirmed assessment at $550. A then appealed to County Judge from decision of Court of Revision in due time ; upon a technicality being raised Judge decided and ruled he had no jurisdiction in the matter. On which assessment will clerk compute taxation ?

4. Are municipal councils (township) compelled to advance to trustees of school sections on demand sums of money to pay teacher's salary before the taxes for current year are due ?

5. If question 4 is answered in the affirmative, are municipal councils not having funds on hand obliged to borrow for said purpose ? Can they charge the trustees interest on sums so borrowed ?

1. Not so far as the non-resident lands mentioned in this sub-section are concerned.

2. We do not think a pathmaster is disqualified as a member of a township council under the circumstances stated, but a member of the local board of health should resign that office and his resignation should be accepted by the council before nomination day.

3. The clerk should compute the taxes on the amount of $550.

4. Sub-section 10 of section 70 of The Public Schools Act, 1901, as enacted by section 39 of chapter 53 of The Ontario Statutes, 1906, provides that "all moneys hereby required to be levied and collected and applied to the salaries of teachers shall be paid to the treasurers of the respective public school boards from time to time as may be required by the school trustees."

5. If the council has not funds on hand to meet the demand of the trustees when presented, it must borrow the money it requires for the purpose, under the authority of sub-section 1 of section 435 of The Consolidated Municipal Act, 1903, as amended by sub-section 1 of section 9 of chapter 40 of The Ontario Statutes, 1907. There is no provision for charging interest on the money so borrowed to the school section on behalf of which it was borrowed.

Collection of Transient Traders' Licenses.

52—A.H.M.—1. Pursuant to the provisions of section 583, sub-section 30, of The Consolidated Municipal Act, 1903, we have passed a by-law, in the words of the Statute, for licensing, regulating and governing transient traders. A resident of this town, who has lived here for ten years and is assessed in respect of real property but not in respect of income, has started two stores for the sale of candy which he manufactures himself. These businesses were started after the assessors had completed their rolls and consequently this man is not on the assessment roll in respect of business assessment. Is he liable to pay the prescribed transient traders' license fee ?

2. We have billiard license and transient traders' license by-laws but no tobacconist license by-law. A man comes to town and starts billiard parlor and cigar store combined. Is he liable for both billiard license fee and transient trader's license ?

1. We do not think the provisions of the by-law regulating and governing transient traders can apply to this merchant. He is, and has been for ten years, a resident of the municipality and his name is entered on the assessment roll in respect of real property therein. Clause (b) of sub-section 31 of section 583 provides that "the words 'transient traders,' wherever they occurr in clauses 30 and 31 of this section, shall extend to and include any person commencing in the municipality the business in the said clauses mentioned, who has not resided continuously in such municipality for a period of at least three months next preceding the time of the commencement by him of such business therein."

2. Since this man is a newcomer commencing the business of a tobacconist in the municipality, we are of opinion that he is liable to pay a license as a transient trader as well as for running his billiard parlor.

Refund of Taxes.

53—J.J.—A man made application to locate a lot and his application was rejected. He was assessed for the lots for about twelve years ; he found out he did not own the lot ; he has done statute labor and paid taxes for about twelve years. Now he asks the council to refund his statute labor and taxes. He has never appealed to the Court of Revision against his assessment. Would the council be doing what was right to refund taxes and statute labor ?

No.

Assessment of Houses of Public Entertainment.

54—J.Mc.—The assessor in making the annual assessment came to a place that formerly was a licensed hotel but now is without a license. The proprietor still keeps it open, takes in boarders, and supplies meals at meal time to anyone that comes in and asks for a meal ; he also keeps his stables open for the purpose of taking in horses and supplying them with hay and oats. He has entered an appeal claiming that he simply keeps a boarding house and is not liable for a business tax, or in the event of being liable, then all boarding houses should be treated alike.

Kindly let me have your opinion as to whether this party is liable for a business tax, and if so, whether his case differs from that of an ordinary boarding house.

We are of opinion that the place referred to is a house of public entertainment within the meaning of clause (h) of sub-section 1 of section 10 of The Assessment Act, 1904, and that the proprietor is liable to the business assessment mentioned in that section. We think this case differs materially from that of an ordinary boarding house, some of which may be liable to business assessment and others not, according to the circumstances of each case.

Poll Clerk Cannot Administer Oaths to Electors.

55—C.W.C.—Our municipality vote on local option on January 4th, 1908.

Will you please let me know if the poll clerk can administer the several oaths in place of the returning officer ?

We have 263 voters on our list and only one polling place and we are likely to have a larger ballot for municipal officers and probably an election for public school trustees, which, with the voting on local option, will mean three ballots. If legal for the poll clerk to administer the oaths, it would be an easier task for the returning officer, especially when it is his first experience as such.

The poll clerk has no authority to administer any of these oaths. Section 117 of The Consolidated Municipal Act, 1903, provides that "such oaths or affirmations may be administered by the *returning officer* or *deputy-returning officer*, as the case may be, if he shall think proper, and shall be administered at the request of any candidate or his authorised agent, and no inquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations."

Refund of Separate School Tax.

56—G.C.—There is a ratepayer in our municipality who is a supporter of a separate school, but sends his pupils to a neighboring public school and pays for those pupils "head money" to this public school. The separate school is two miles and the public school is one and a half miles from this ratepayer's home. Now this ratepayer has two boys to attend school and is over-anxious to have them make all possible use of their time. In the separate school there is but one teacher, who tries to attend to eighty, and often more, pupils. This man claims justly that it is impossible to get justice, consequently sends them to this school. Now I want to know, can the trustees of this separate school be obliged to refund from this man's taxes such sum of money as will pay the public school board for his pupils, such sum being equal to 50c a month per pupil ?

We are of opinion that the trustees of a separate school cannot be compelled to make the refund mentioned but the ratepayer can withdraw his support from the separate school if he so desires by filing with the clerk of the municipality the notice referred to in section 47 of The Separate Schools Act (R.S.O. 1897, chapter 294) within the time in that section mentioned.

Mode of Calculating Statute Labor—Renewal of Bonds of Treasurer and Collector.

57—A.A.Y.—1. Should one calculate statute labor upon the total assessment, where there is a business assessment, or on the amount of the assessment apart from the business addition?

2. Is it necessary for the bonds of treasurer and collector of municipality to be renewed each year, so long as there is no change in the personal of the bondsmen? They are each solvent and acceptable to the council.

1. Statute labor should be calculated according to the ratio in vogue in the municipality, on the total assessment, including the amount of the business assessment.

2. As to whether the bonds of the treasurer and collector are continuing securities or not depends on the language of the documents themselves. We therefore cannot give a definite answer to these questions until we have seen these documents or copies of them.

Right to Close Road Through Private Property.

58—A.L.—There is a certain party wishes to close a road which passes through his farm. The road was constructed by lumber companies and was also used by the settlers for six years. The companies have no use for this road now and the farmer through whose land the road runs wishes to close it, but the settlers wish to keep it open, because if it was closed they would have to travel about seven miles more to reach the same points. This road is in an unorganized township and was not established under charts and the lots through which it runs were not patented when it was built.

This road does not appear, from the statement of the facts, ever to have been properly opened and established as a public highway, and we are therefore of the opinion that the present owner of the land through which it runs may close it if he so desires.

Enforcing Payment of Poll Tax.

59—A.A.McF.—Can a man be compelled to pay poll tax (providing he has not paid it elsewhere) who becomes a resident at any time of the year, or providing a man becomes of age say in October of this year, is he liable for poll tax this year?

The tax provided for by section 4 of chapter 25 of The Ontario Statutes, 1904, is "to be levied and collected as the council of the municipality may by by-law direct." If an inhabitant of the village is liable for this tax under the provisions of the above section, at the time it is required by the by-law to be collected, he can be compelled to pay it, no matter when the liability accrued. We cannot say as to this, however, not having seen a copy of the by-law.

Hour for Nominating Mayor in Towns.

60—W.H.E.—I note your schedule of nominations, which corresponds to those of last year. Last year, acting on your statement in our Town of F. P. (not divided into wards and having a population of under 5,000), nominations for mayor was advertised to be held at hours twelve to one. Our solicitor immediately called my attention to the fact that nominations for mayor should be held from ten to eleven.

Would you kindly quote the wording in sections 118 and 119, chapter 116, from which authority for holding as per statement is obtained?

A reference to the sections of the Act mentioned in the item referred to clearly shows that the hour stated is wrong and the town solicitor's opinion is correct. We have traced the matter back and find that in the schedule as originally prepared the hour was properly entered and so continued for some years. In making up the form in 1904 the item was inadvertently inserted, and as The Municipal Act has not been amended since in this particular, it was overlooked.

Qualification of Medical Health Officer—of Person Having Contract With Council.

61—E.J.C.—1. Our medical health officer was nominated today for reeve but did not send us his resignation until 11 a.m. to-day, when too late to call a meeting of the council, consequently his resignation has not been accepted.

2. A man has been nominated for councillor who has an end of a street rented from the Village and pays 25c rental. Please state if you think those two members are qualified for council.

1. This case is pretty close to the line, but if the accounts between the medical health officer and the council had been finally adjusted and the medical health officer had been paid all moneys coming to him prior to nomination day, and he, then, had no outstanding claim against the council, we think it would probably be held that he was not disqualified as a candidate for the reeveship of the village.

2. This man had an interest in a contract with the corporation on nomination day and we are therefore of opinion that he is not qualified as a candidate for councillor.

Removal of Body in Cemetery.

62—P.M.B.—A bought a lot in the township cemetery thirty years ago. The lot was not paid for and no receipt was given for same. A's wife was buried in the plot at that time. Five years ago the same plot was sold to B by the council and paid for by B, who holds deed for same. B wishes to remove the remains of A's wife from this plot to another one in the same cemetery. A is now dead. What steps must be taken by B to accomplish his purpose?

Under the circumstances stated we see no reason why B should not remove the body of A's wife from his lot to another, exercising reasonable care in doing so. If A's wife left any children, or any other near relatives now living, it might be well to notify them before moving the body, so as to give them an opportunity of doing so if they so desired.

Notice Required to Exempt Separate School Supporter From Public School Rates—Index Book.

63—W.G.H.—Within three miles of a separate school C. D. bought property in Township of B. and took possession of same as resident previous to assessment of township in March and April, 1908. Assessor called and was asked to assess C. D. as Roman Catholic separate school supporter. Assessor entered same in proper columns of roll and gave C. D. a cestificate that he was assessed as a separate school supporter in the said township for the year 1908. The clerk received no notice of same as required by section 42 of chapter 294, R.S.O. 1897, and taxed C. D. the same as all the public school supporters. The separate school board are now asking for taxes from Township of B. raised from separate school supporters for school purposes.

1. Can they collect such taxes, or must the notice under section 42 of Act respecting separate schools be complied with first? If so, why?

2. What authority must the treasurer have to pay over the same?

3. Do you supply index book required to be kept by clerk, as per section 48, sub-section 1, chapter 294, R. S. O. 1897, and form of which is set out in schedule G to said list?

1. We are of opinion that under the circumstances stated the separate school board is not entitled to C. D.'s school taxes. In order to exempt himself and his property from the payment of public school rates, C. D. should have filed the notice mentioned in sub-section 1 of section 42 of The Separate Schools Act (R.S.O. 1897, chap. 294) within the time prescribed by that section. Sub-section 4 of section 48 of the Act provides that the entries in the index book required by sub-section 1 of section 48 to be kept by the clerk, of notices filed with him under sub-section 1 of section 42 of the Act, shall be a guide to the assessor in ascertaining who have given the notices which are by law necessary in order to

entitle supporters of Roman Catholic Separate schools to exemption from the public school tax.

2. Our reply to question No. 1 renders it unnecessary to answer this.

3. We do not keep these books in stock, as the demand is very limited. A small minute book ruled in accordance with schedule G will answer the purpose.

Payment of Cost of Burying Unclaimed Body.

64—P.M.B.—Pauper.—A tramp is found dead in the Township of A. No inquest was held. The death was registered in the Township of B. A claim for burial services from the undertaker and which was certified by the doctor who saw the body and ordered the burial of the same, was presented to the county council but was rejected by them and referred to Township of A. Who should pay this claim, the county or township?

We are of opinion that this body will have to be buried at the expense of the township. Section 19 of chapter 177, R.S.O. 1897, provides as follows: "Subject to the provisions of this Act, any unclaimed human body found dead within the limits of a city, town, incorporated village or township, shall be buried at the expense of the corporation of such city, town, village, or township, but such corporation may recover such expense from the estate of the deceased."

Municipal Clerks May Vote on Local Option By-Laws.

65—D.C.—Are municipal clerks who are returning officers at municipal elections allowed to vote on local option by-laws at municipal elections?

A municipal clerk as returning officer has the same right to vote on a local option by-law if he possesses the qualification of a municipal voter as any other duly qualified municipal elector in the municipality, but in the event of a tie he has no additional or casting vote.

Treasurer's Surety Disqualified as Candidate for Reeve or Councilllor.

66—A.H.—Does the fact that a ratepayer signs the bond as surety for the municipal treasurer disqualify him from being a member of the council in a rural municipality? If so, where is it to be found in the Statutes?

A ratepayer who is surety for the treasurer of the municipality at the time of the election, that is on nomination day, is a person having an interest in a contract with or on behalf of the corporation, within the meaning of sub-section 1 of section 80 of The Consolidated Municipal Act, 1903, and is disqualified as a candidate for membership in the council. This point was judicially decided in the following cases: Reg. ex rel. Coleman v. O'Hare (2 P. R. 18); Reg. ex rel. McLean v. Watson (1 C. L. J. N. S. 71); Reg. ex rel. Haner v. Roberts (7 P. R. 315).

Township Grant for Continuation Class Purposes.

67—C.W.—Can a township council legally make a special grant from the general fund to one of the school sections to assist in high school work, the trustees agreeing to admit pupils from the other township free, if the grant is given? If so, should it be done by by-law?

We do not think the council of a township has any authority to make such a grant as that suggested.

Payment of Clerk's Salary.

68—T.W.T.—With reference to question No. 45 in this issue, is A entitled to his salary for 1908? He was appointed clerk, by a motion in the council, for the year 1892 and continued to hold office up to January last, although there never was a motion appointing him for any other year. B was appointed clerk at the January meeting and A gave up all books and papers and did not perform any duties as clerk in 1908, but demands his salary, claiming that he is still clerk as he was never discharged. Is A entitled to his salary and can he collect it by law?

We do not think A is entitled to any salary as clerk for 1908. There could be only one clerk of the municipality, and the appointment of B to fill the position was notice to A that his services were no longer required in that capacity. A apparently accepted B's appointment as notice of his dismissal, as he delivered to B all the books, papers and other property of the municipality which were in his custody as clerk, and performed none of the duties pertaining to the office during the year. The mere fact that A attended every council meeting during the year does not add any strength to his claim.

THE ONTARIO MUNICIPAL SECURITIES ACT, 1908

The following important circular, relating to the requirements of the above Act, has been recently sent out by the Ontario Railway and Municipal Board to municipal officials throughout the Province:

Toronto, May 7, 1908

DEAR SIR,—

The Ontario Railway and Municipal Board begs to call your attention to The Ontario Municipal Securities Act, 1908, passed at the recent session of the parliament of Ontario.

You will observe that this Act gives the Board power to approve by-laws, notwithstanding any irregularities in the proceedings prior to the final passing of the by-law, or in the by-law itself, if, in the opinion of the Board, the provisions of the Act under which the by-law was passed have been substantially complied with. The effect of this provision in the Act will be to enable municipalities to have by-laws validated by the Board, which formerly could only be done by special Act. This, however, must not be taken as an encouragement to careless or slovenly municipal practice. The requirements of The Municipal Act must in the future be as carefully complied with as in the past.

Your attention is also directed to the sections of the Act which provide that where a by-law and the debentures issued thereunder are certified by the Board, that such by-law and debentures shall not thereafter be open to question in any Court. This will have the effect of making municipal debentures a very desirable investment and enable municipalities to obtain the highest market price for their securities. In many cases it will be found advantageous to have by-laws for the issue of debentures, create a sinking fund for repayment, rather than have the debentures repayable by instalments. The reason of this is that people seeking an investment will pay a higher price for a security that has several years to run than for one repayable by annual instalments. The municipalities will sustain no loss on their sinking funds, for the reason that they can be paid into the Treasury of Ontario, and will bear interest at four per cent. per annum compounded until such time as the debentures are payable.

The Board also particularly calls your attention to sections 10, 11 and 13 of the Act, and respectfully urges upon you a careful compliance with these sections. The forms of returns required by section 13 will be sent in triplicate by the Department of Agriculture instead of in duplicate as formerly, which will enable you to comply with this section without inconvenience. Please read this letter at the first meeting of the council.

I have the honor to be

Your obedient servant,

H. C. SMALL,

Secretary.

The Climax Road Machine Co., of Hamilton, Ont., has just completed four years of successful business and takes this opportunity of thanking its many patrons for their liberal patronage and help in the past and wishing them all a bright and prosperous new year.

THE TOWNS AND GOOD ROADS.

The town council of Oshawa recently passed the following resolution :

"Moved by Messrs. Crysdale and Samells, that "the council of Oshawa desires to draw the attention "of the local Legislature to the necessity and desirability "of granting material assistance to the towns and villages "of Ontario in their struggle to construct new sewers, "extend a system already established, or build sewage "disposal works, as individual cases may require. To "this end we would submit for the consideration of the "Government that a sewerage system has become as "necessary to the very life and existence of our urban "municipalities as good roads have become needed in the "townships and counties of Ontario, and should receive "Government encouragement, supervision and financial "assistance, at least in a like proportion to the good "roads movement."

Without expressing an opinion as to the desirability of Government aid to sewers and sewage disposal works, it is to be pointed out that the foregoing resolution suggests that because rural municipalities receive grants for road construction, therefore towns should receive some compensating assistance.

Such a position is not tenable. Good roads are of as much benefit to towns as they are to the townships. If a farmer uses the roads to draw his produce to the towns, he must also use the roads to carry the merchandise of the town back to the farm. Because the farmer supplies horses and wagon, it does not follow that he should pay for the roads as well.

Towns owe their very existence to the roads leading into them. The better the country roads, the more freely will trade be carried on, and the towns reap the benefit. The City of Port Huron has recently expended large sums upon the radiating country roads, and some citizens of Toronto are advocating a similar undertaking.

One reason for Government assistance to good roads is that the towns may indirectly help to bear their proportion of the cost. The building of good country roads is a great public work in which all municipalities, rural and urban, are interested, and of which all should bear the cost.

Prosperity flows along lines of least resistance. Towns which adhere to the belief that they have no interest in country roads have a lesson to learn. Free intercommunication is one of the chief factors of local as well as national progress.

Frequently the boundaries of a town are indicated by the bad roads within the limits; comparatively good township roads, then the farmer drops into a mile of mud, pitch-holes and ruts before he reaches the centre of the town. Such a "welcome at the city gate" is naturally not such as to inspire good-will. Such a barrier to trade is not in keeping with the spirit of the age.

CHANGE DATE OF MUNICIPAL ELECTIONS

(Renfrew Journal)

The question has often been asked here and elsewhere why we should persist in holding our municipal election in the holiday season of Christmas and New Year. No one has ever given a very satisfactory reason, so far as we are aware. Year after year this holiday season is spoiled by the turmoil and bickering of a local election. The *Brantford Expositor* makes the following pertinent comments upon the matter :

"Despite many protests, Ontario adheres to the practice of holding municipal elections on the first Monday in January, a most unsatisfactory time, because the conduct of elections in the latter part of December, and the holding of polling at the time now fixed, interfere both with holiday business and holiday pleasuring.

"In other countries, and in other provinces, a different period is selected.

"In the United States, municipal elections in the various States are, as a rule, held either in the spring or fall; in Philadelphia the election takes place in February.

"In England the elections take place on November 1st for councillors, and on November 9th for mayor and aldermen.

"Coming to our own country, Quebec holds its municipal elections on the third Monday in January; New Brunswick on the last Tuesday in October; Nova Scotia on the third Tuesday in November; Manitoba on the first Tuesday in December; in British Columbia on days fixed by the different municipalities, and in Saskatchewan and Alberta, on the second Monday in December."

Everywhere than in Ontario the object seems to be to have the elections held either before or after the Christmas season, and the *Expositor* is right in saying that there is seemingly no reason why we should adhere with such determination to what is seemingly an indefensible practice.

The Woodstock *Sentinel-Review* has the following to say on the same subject :

"An esteemed contemporary asks why should the municipal elections in Ontario be held at one of the most inconvenient seasons of the year? Our municipal campaigns are conducted in the last few weeks of the year, a time when Christmas and New Year activities make it hard for many citizens to devote much thought or work to civic duties. Ontario is alone among the provinces in adherence to this ancient folly. The *Ottawa Journal* points out that in Quebec the municipal elections are held on the third Monday in January; New Brunswick on the last Tuesday in October; Nova Scotia on the third Tuesday in November; Manitoba on the first Tuesday in December; in British Columbia on dates fixed by the different municipalities, and in Saskatchewan and Alberta, on the second Monday in December. This is a matter that might very well receive some consideration. The present system can scarcely be said to encourage the taking of an intelligent interest in municipal affairs."

A CITY WITH A MANAGER

Staunton, Va., a city of 12,000 inhabitants, is the only municipality in America with a business manager. This new scheme of city government has been in operation since last April, and according to all accounts is proving a success. The city retains a form of political organization required in law, and is governed from a legal standpoint by a mayor and city council," says the *Washington Herald*. "These officers, however, have delegated the purely business functions of local administration to the business manager, elected by them for a period of one year, and directly responsible to them. He has saved money to the taxpayers, according to his own statement, and given them an economical and efficient service. For one thing, he was able to place contracts for granolithic paving at 71 cents a square yard instead of the $2 the council was paying prior to his appointment."—Ex.

Mr. W. A. McKim, town clerk of Goderich, was taken suddenly ill on the evening of the day of the last municipal elections, and at a meeting of the council held on the 6th inst. Mr. James Mitchell was appointed to temporarily discharge the duties of the office. Mr. McKim died on Friday, the 8th inst.

RIGHT OF INTERESTED COUNCILLOR TO VOTE ON BY-LAW

The Divisional Court recently allowed the appeal by the municipal corporation of St. Catherines from Mr. Justice Anglin's judgment in the action brought against them by one Elliott, and reversing the judgment and dismissing the action. Mr. Justice Anglin declared that the by-law, a local improvement one for the construction of a sewer, was not validly or legally passed by the Council, and the defendants were perpetually restrained from constructing the sewer under the authority of the by-law, the ground of attack being that the by-law was promoted by one McBride, a member of the Council, who was a property owner to be benefited by the sewer, that he was therefore disqualified from voting on it, and that it was finally carried by his vote, he being one of the seven members voting for it, and a two-thirds vote of the Council, which was composed of ten members, being required to pass it.

The Divisional court finds that the principle of the decision in two cases cited is clearly applicable to the case at bar, and that the judgment appealed from cannot be supported without overruling that decision, which was to the effect that no interest can disqualify a Councillor or a member of a Court of Revision from performing his duties as such that spring solely from his being a ratepayer in the municipality. The Court finds as a result of these and other cases a consensus of opinion that where the personal or pecuniary interest of the member is that of a ratepayer in common with other ratepayers, or where, though personally interested, his interest is not different from that of the community in general, the member is not disqualified.

BRAMPTON'S INTERESTING LOCAL OPTION CASE

Chief Justice Sir William R. Meredith decided last month that the council would have to submit a local option by-law pursuant to a petition presented for the purpose, after very carefully hearing both sides of the question argued by counsel for Geo. L. Williams, the applicant for a mandamus to compel the submission of the by-law; and for the Town Council.

His lordship brushed aside the objection that the petition was not a proper one becanse the headings of all the sheets or sections except the first had been removed when the sheets or sections were put together. Prima facie, he said the petition was all right, and he accepted the affidavits of the canvassers who had obtained the signatures that they were bona fide signatures, obtained on papers which bore the same heading, which the signers could read for themselves, and which they quite understood.

The Chief Justice recognized the will of the people as being shown by the large number of signatures on the petition to be in favor of the submission of the by-law. He saw a serious obstacle to his granting the mandamus in the absence of a formal demand having been made upon the Council for the submission of the by-law, and of a refusal on the part of the Council. The contention of counsel for Geo. L. Williams was that the presenting of the sufficiently signed petition was in effect a demand, and under the act constituted an obligation on the part of the Council to submit the by-law. His Lordship recognized that if he did not grant the order because of that flaw in the proceedings there would be no time for an appeal to be decided in time for the by-law to be submitted at the coming elections, and so the evident wishes of a large number of the citizens would not be met. He accordingly granted the mandamus, on the condition that if the by-law is passed and someone then desires to contest its validity on the grounds of the objection raised, if the Divisional Court should find that he had erred in his judgment the applicant would undertake that so far as he could secure it the by-law should not be submitted at the next election. He preferred to err, if he would err at all, on the side of giving the people a chance to vote on the by-law, seeing that the objections were rather of a technical character.

In giving judgment his Lordship took occasion to animadvert upon the "loose and careless manner in which the work in connection with such petitions is done sometimes by temperance people, who do not take the trouble to find out what the legal requirements are, sometimes frustrating the will of the people, and putting a burden upon the country by reason of needless litigation."

In order to give the Council time and opportunity to show its good faith towards the signers of the petition, Chief Justice Meredith directed that the mandamus should not issue until this morning, so as to give the Council the chance to pass the by-law at a specially convoked meeting last night. The advertising must be done not later than to-morrow.

Counsel for the Town filed an appeal against Chief Justice Meredith's decision and the Divisional Court unanimously decided against his finding. All the judges disagreed with him on the question of the validity of the petition, holding that it would be creating a dangerous precedent to declare a petition so mutilated, valid. The Council was thus absolved from the obligation to submit the by-law to the electors on the day of the last municipal election.

We have pleasure in calling our readers' attention to the advertisement on page vii of the Canada Wire Goods Mfg. Co., Hamilton, Ont. This Company is manufacturing all grades of wire cloth and heavy wire screening for all purposes, also ornamental iron and wirework. It is in connection with their line of prison work which we particularly wish to call our readers' attention to. This firm is specializing in jail equipment. They are in a position to supply any special work in connection with prison equipment and only recently shipped twelve special cells equipped with their locking device to the City of Montreal. They are at present engaged on a contract from the City of Fernie, B.C. for jail equipment. Their town and village cells are filling a long felt want inasmuch as they can be erected in any style of building without endangering the security of the cell, thereby eliminating the great expense of equipping a building specially for prison accommodation. These cells are easily heated; are highly sanitary. The prisoner can be watched from all points of view. Their cells are all fitted with their locking device which works automatically with the shutting of the door, secureing it instantly at top, centre and bottom. Their recent shipments are to the Royal Northwest Mounted Police, City of Port Arthur, Town of Chesley, Town of Lachute, Town of Barrie, Town of Rouleau, Sask., City of Montreal. We have great pleasure in recommending any municipality interested in this line of production to the above mentioned Company.

At a meeting of the Ontario Railway and Municipal Board held recently at Owen Sound, the petition of 162 ratepayers of the town plot of Brooke for annexation with Owen Sound was considered. It was pointed out by the opponents of annexation that, under the Statute, the population of Owen Sound was not large enough when compared with its present acreage, to allow of any extensions being made. The members of the board, however, were all of opinion that the annexation should take place, and they stated that they would draw up an order to that effect which would require to be ratified by a special Act of Parliament. When the annexation takes place, the population of the town will be increased by about 900.

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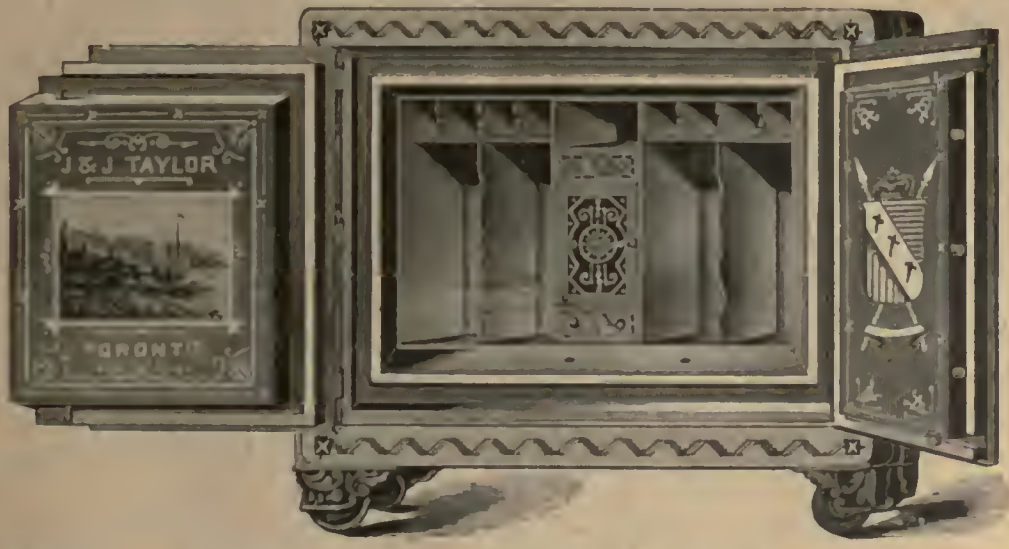

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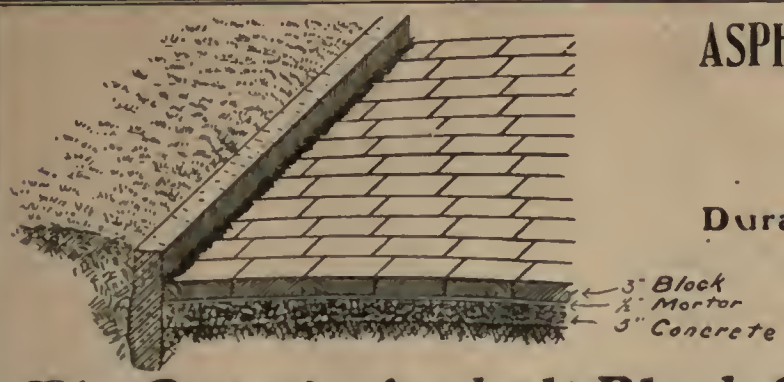

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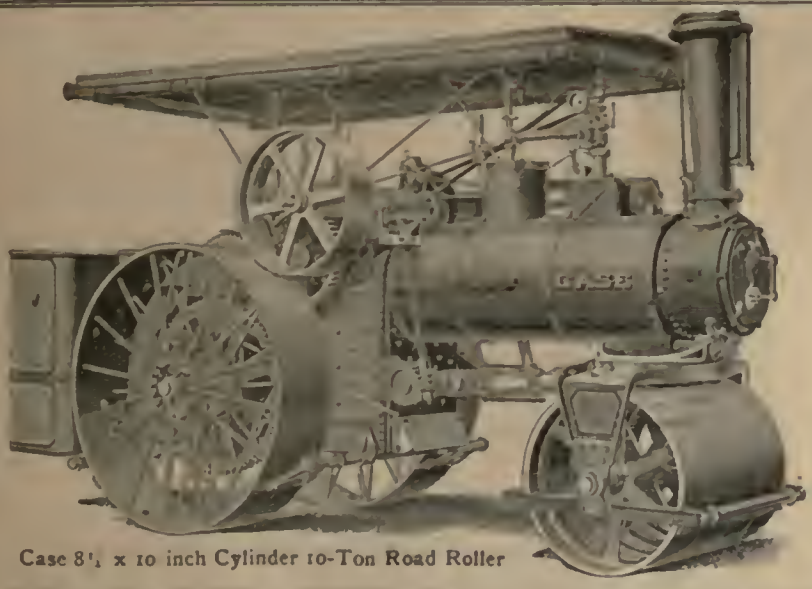

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The Hospital had last year in its beds and cots 1,245 patients—308 of these were from 241 places outside of Toronto. Seventy-five per cent. were children of poor people who could not afford to pay.

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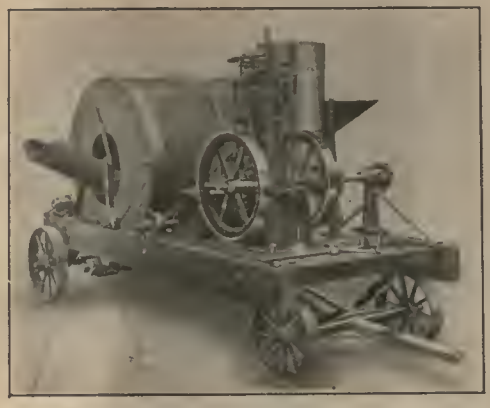

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Ontario Municipal Association

TO WHICH EVERY URBAN AND RURAL COUNCIL SHOULD SUBSCRIBE

CONSTITUTION

1. The Association shall consist of the municipal corporations of the Province of Ontario who may decide to become members thereof.

2. OBJECTS. The objects of the Association are :

(1) To consider matters of general interest to municipalities and to procure the enactment of such legislation as may be of advantage to the municipalities of the Province.

(2) To take united action on all matters where the rights of municipalities may be affected and generally to protect their interests.

3. REPRESENTATION. Each municipal corporation in the Province, which has become a member, shall be entitled to send to the meetings of the Association one representative, and one additional representative for each $5.00 annual fee paid to the Association, such representatives to be members of the municipal council or officers of the municipality.

4. ANNUAL SUBSCRIPTION. An annual subscription shall be paid by each municipality to the Secretary-Treasurer, on or before the 1st day of July in each year, according to the following scale :

Cities of over 100,000 population,	*$50*
" " 50,000 " -	*25*
All other Cities, - - - -	*15*
Counties and Towns, - - -	*10*
Townships and Villages, - -	*5*

5. MEETINGS. The Association shall meet in the City of Toronto, or at such other place as the Executive may determine, at least once in each year, and oftener if need be, upon the call of the executive committee.

6. Each representative present at any meeting of the Association shall be entitled to vote on all questions, and upon any question on which there is an equality of votes the same shall be negatived.

7. CONFERENCES WITH GOVERNMENT. Prior to each session of the Legislature of Ontario, the executive committee shall arrange with the members of the Provincial Government for a hearing of the Municipal Association, at such time as the Government may appoint upon any question upon which the Association may desire action to be taken by the Legislature. Notice of the time so appointed shall be sent by the Secretary-Treasurer to each member of the executive committee, and to the head of the municipality interested in the question, to meet at the place appointed and proceed together to interview the Government. The Secretary-Treasurer shall call a meeting of the executive committee whenever requested to do so by the President or by five members of the committee.

8. OFFICERS AND EXECUTIVE COMMITTEE. The officers of the Association shall consist of a President, four Vice-Presidents, a Secretary-Treasurer, and there shall be an Executive Committee to consist of these officers and twelve other members. Five members shall constitute a quorum of the executive committee.

9. ELECTION OF OFFICERS. The officers and members of the executive committee shall be elected at each annual meeting, and shall hold office until their successors are appointed. In case of a vacancy occurring by death, resignation or otherwise, it may be filled by the executive committee.

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